

RESOLUTION R 3139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF KIRKLAND THAT CERTAIN AGREEMENT WITH PATRICIA A. HILL, RELATING TO CONSTRUCTION OF A SANITARY SEWER LINE EXTENSION TO CONNECT THE EXISTING DRY SEWER WITHIN HIDDEN HILLS DIVISION 1 TO THE KIRKLAND SANITARY SEWER SYSTEM.

Whereas, the subdivision of Hidden Hills Division 1 was heretofore approved by the City of Kirkland conditioned upon the installation of septic tanks and an internal dry sewer system; and

Whereas, it was a further condition of such approval that the dry sewer system be at the expense of the developer connected to the Kirkland sanitary sewer system at such time as it becomes available to the subdivision; and

Whereas, over the passage of time septic tank failures and other conditions within Hidden Hills 1 have resulted in a situation detrimental to the public health and safety requiring connection of said dry sewer system to the Kirkland sanitary sewer system as soon as possible; and

Whereas, developer has received preliminary approval to subdivide certain lands adjacent to Hidden Hills 1 to be known as the subdivision of Hidden Hills 3, 4 and 5, which proposed subdivision will require construction by the developer of additional sanitary sewer facilities; and

Whereas, said preliminary approval was granted on August 6, 1984 and conditioned that within six months of the approval of the preliminary subdivision, the applicant shall install all required sewer utilities or acceptable alternatives; and

Whereas, due to financial restrictions, the developer has not as yet been able to install the necessary sanitary sewer facilities, and has requested an extension of the six-month limitation; and

Whereas, construction of a sewer extension line to connect the dry sewers in Hidden Hills 1, to the Kirkland sanitary sewer system through and across the lands to be subdivided in Hidden Hills 3, 4 and 5 is both reasonable and necessary at this time; and

Whereas, the Department of Public Works for the City of Kirkland has recommended that such six-month extension is a reasonable alternative provided that the developer give the City of Kirkland authority to construct the required sewer extension line in the event it is not constructed by the developer before August 2, 1985 with all costs of the City to be reimbursed by developer, all in accordance with the proposed agreement attached hereto, now, therefore,

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

Section 1. The City Council concurs and the recommendation of the Department of Public Works and the City Manager of the City of Kirkland is hereby authorized to sign on behalf of the City that certain agreement between the City of Kirkland and Patricia A. Hill, as successor in interest to Donald Hill and Patricia A. Hill, relating to the construction of a sanitary sewer extension to connect the existing dry sewer within Hidden Hills 1, to the Kirkland sanitary sewer system, including reimbursement of the costs of such construction to the City of Kirkland, all as set forth in the copy of said contract attached to the original of this resolution and by this reference incorporated herein.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 4th day of February, 1985.

Signed in authentication thereof this 4th day of February, 1985.

Sonia Cooper

 MAYOR

ATTEST:

Janice Peery **DEPUTY CLERK** *jr*

 Director of Administration & Finance
 (ex officio City Clerk)

A G R E E M E N T

FOR THE CONSTRUCTION OF A SANITARY SEWER LINE EXTENSION TO CONNECT THE EXISTING DRY SEWER WITHIN HIDDEN HILLS 1, TO THE KIRKLAND SANITARY SEWER SYSTEM, INCLUDING REIMBURSEMENT OF THE COST OF SUCH CONSTRUCTION TO THE CITY OF KIRKLAND

THIS AGREEMENT made and entered into this day by and between the CITY OF KIRKLAND, hereinafter referred to as "City," and PATRICIA A. HILL, as successor in interest to Donald Hill and Patricia A. Hill, hereinafter referred to as "Developer"

W I T N E S S E T H:

Whereas, the subdivision of Hidden Hills 1 was heretofore approved by the City of Kirkland, conditioned upon the installation of septic tanks and an internal dry sewer system; and

Whereas, it was a further condition of such approval that the dry sewer system be, at the expense of the Developer, connected to the Kirkland sanitary sewer system at such time as it becomes available to the subdivision; and

Whereas, over the passage of time, septic tank failures and other conditions within Hidden Hills 1 have resulted in a situation detrimental to the public health and safety, requiring connection of said dry sewer system to the Kirkland sanitary sewer system as soon as possible; and

Whereas, Developer has received preliminary approval to subdivide certain lands adjacent to Hidden Hills 1 to be known as the subdivision of Hidden Hills 3, 4, and 5, which proposed subdivision will require construction by the Developer of additional sanitary sewer facilities; and

Whereas, said preliminary approval was granted on August 6, 1984 and conditioned that within six months of the approval of the preliminary subdivision, the applicant shall install all required sewer utilities or acceptable alternatives; and

Whereas, due to financial restrictions, the developer has not as yet been able to install the necessary sanitary sewer facilities and has requested an extension of the six-month limitation; and

Whereas, construction of a sewer extension line to connect the dry sewers in Hidden Hills 1 to the Kirkland sanitary sewer system, through and across the lands to be subdivided as Hidden Hills 3, 4, and 5, is both reasonable and necessary at this time;

Now, therefore, in consideration of the mutual promises herein contained, IT IS AGREED by and between the City and Developer as follows:

1. The City of Kirkland will grant an extension until August 2, 1985 for the construction of said sewer through Hidden Hills Divisions 3, 4, and 5 with this work to be performed by the Developer.

2. If by August 2, 1985, said sewer has not been completed and accepted by the City of Kirkland, the City of Kirkland will construct, in accordance with the procedures required by law for the construction of public works and improvements, an extension to its sanitary sewer system to connect the Hidden Hills Division 1, dry sewer to the Kirkland sanitary sewer system. Said construction shall be done in accordance with the plans, diagrams and specifications attached hereto as Exhibit A and by this reference incorporated herein. Construction of said line shall be across the properties owned by Developer and sought to be subdivided as Hidden Hills Divisions 3, 4, and 5.

3. Developer shall provide to the City of Kirkland, at the time of signing this agreement, all permanent and construction easements necessary or required to complete construction of the sewer line extension in accordance with Exhibit A.

A. The developer shall provide the City of Kirkland with completed and approved design drawings for said sewer by May 1, 1985. The City shall not unreasonably deny approval of said drawings. If said drawings are not submitted by May 1, 1985, the City shall begin preparation of such design drawings and the cost thereof shall be reimbursed to the City of Kirkland as hereinafter set forth in this agreement.

B. The developer shall enter into a contract for construction of said sewers by June 1, 1985 and construction shall be commenced by no later than June 15, 1985. If said award and start of construction has not occurred by the date specified herein, the City of Kirkland shall call for bids, award contract and commence construction, the cost of which shall be reimbursed as hereinafter set forth in this agreement.

4. Developer shall reimburse the City of Kirkland for 100 percent of its costs and expenses, including construction costs, incurred by the City of Kirkland in the construction of the sewer line extension described and defined in Exhibit A; together with interest thereon at 12 percent per annum from the date incurred until fully paid.

5. Developer hereby agrees and covenants to the City of Kirkland that the reimbursement required by paragraphs 3 and 4 above, shall be fully paid to the City of Kirkland prior to recording with the King County Department of Records and Elections, any final plat for the subdivision of the land herein identified as Hidden Hills 3, 4 and 5, and that this obligation to so reimburse the City of Kirkland shall be deemed a condition of final approval of any subdivision of said land.

6. Developer further declares that this agreement is a voluntary agreement insofar as it may otherwise be affected by RCW 82.02.020.

7. The real property, subject to this agreement, which is referred to herein as the land proposed to be subdivided as Hidden Hills 3, 4, and 5 is legally described in Exhibit B, attached to this agreement and by this reference incorporated herein. The real property containing the dry sewer system is described as Hidden Hills Division 1 according to plat thereof, in Volume _____ of plats, at page _____, records of King County, Washington.

8. This agreement shall be binding on the heirs, executors, successors, and assigns of the parties hereto, and shall run with the land.

IN WITNESS WHEREOF, we have entered into this Agreement at Kirkland, Washington on the _____ day of _____, 1985.

CITY OF KIRKLAND:

DEVELOPERS:

By _____
Allen B. Locke, City Manager

PATRICIA A. HILL

STATE OF WASHINGTON)
)ss
COUNTY OF KING)

On this day personally appeared before me PATRICIA A. HILL, to me known to be the individual described herein and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this ____ day of _____, 1985.

NOTARY PUBLIC in and for the
State of Washington, residing
in King County.

STATE OF WASHINGTON)
)ss
COUNTY OF KING)

On this ____ day of _____, 1985, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____ to me known to be the _____ and _____ respectively, of _____ the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC in and for the
State of Washington, residing
in King County.