

RESOLUTION R- 3750

A RESOLUTION OF THE KIRKLAND CITY COUNCIL
DECLARING ITS INTENT TO DISESTABLISH AND
WIND UP THE AFFAIRS OF THE KIRKLAND
DOWNTOWN BUSINESS IMPROVEMENT AREA
ESTABLISHED BY ORDINANCE NO. 3128 AND
SETTING THE DATE FOR A HEARING TO BE HELD
July 21, 1992.

Whereas, the Kirkland Downtown
Association [KDA] as contract administrator
for the Kirkland Downtown Business
Improvement Area (established by Ordinance
No. 3128 as amended) has recommended to the
City Council the disestablishment of the
Business Improvement Area [BIA] effective
December 31, 1992; and

Whereas, the City Council believes
such disestablishment and an orderly
winding up of the affairs of the BIA may be
in the public interest; and

Whereas, RCW 35.87A.180 requires the
holding of a public hearing with notice
thereof to all businesses subject to BIA
assessment;

Now, Therefore, be it resolved by the
City Council of the City of Kirkland as
follows:

Section 1. Intention to Disestablish.
The City Council proposes to, by Ordinance
following public hearing, disestablish the
Downtown Business Improvement Area
effective December 31, 1992. Said Business
Improvement Area was heretofore established
by the City of Kirkland by Ordinance No.
3128 and thereafter enlarged by Ordinance
No. 3231.

Section 2. Program to Wind Up Affairs
of BIA. RCW 35.87A.190 requires the City
Council, in disestablishing a Business
Improvement Area, to adopt a program for
the orderly winding up of th affairs of
such Business Improv m nt Area upon its

dis establishment, including disposition of all Business Improvement Area assets and liabilities. Pursuant thereto, the Kirkland City Council in disestablishing the Kirkland Downtown Business Improvement Area proposes to adopt the following program to wind up the affairs of said Business Improvement Area:

2.1 No abatement of Levied Assessments. Notwithstanding disestablishment, all assessments levied by the BIA for the years 1989, 1990, 1991 and 1992 which remain unpaid and delinquent, as of December 31, 1992, the effective date of disestablishment, shall remain as assessment obligations of the businesses located within the Business Improvement Area boundaries upon which such assessments were levied. The City shall continue to take all reasonable and necessary steps to collect all such outstanding unpaid and delinquent assessments, including assessment installments. All monies so collected shall be deposited into the Business Improvement Area fund which shall remain a special fund of the City until such time as the City Council may adopt the Resolution provided for in subsection 2.7 below.

2.2 Termination of KDA Contract. The contract between the City of Kirkland and the Kirkland Downtown Association, Inc. to administer the BIA program, shall terminate as of the effective date of disestablishment of the BIA and any BIA program income or other BIA monies, if any then held by the KDA or which may thereafter come into the possession of the KDA, shall forthwith be turned over to the City for deposit into the BIA fund. All books and records reflecting use of BIA funds as well as any items of property purchased by BIA funds in the hands of the KDA shall be turned over to the possession of the City of Kirkland. The obligation of the KDA to provide upon request additional accounting and other information related to BIA funds and programs including program expenditures and program income to the City shall survive the termination of the contract in order that the affairs of the BIA may be properly wound up.

2.3 Cessation of BIA Programs. In anticipation of the disestablishment of the BIA, all BIA programs and program activities shall be completed on or before December 31, 1992.

2.4 Notice to Creditors. Any creditor of the Business Improvement Area or its authorized programs shall within sixty days of the effective date of disestablishment, file with the City a creditor's claim or invoice setting forth the amount claimed to be due and the basis for which such amount is a proper charge or debt against the Business Improvement Area or the BIA fund.

2.5 Payment of Liabilities. Within 360 days from the date of disestablishment, from monies on deposit in the BIA fund, the City shall pay all liabilities or debts lawfully owed by the BIA to the extent of monies available within said fund. In the event the then balance in the Business Improvement Area fund is insufficient to fully pay all such liabilities and debts, then the Director of Administration and Finance shall make partial pro-rated payments thereon. Pursuant to RCW 35.87A.190 no liability or debt of the BIA shall be paid from or be an obligation of any other fund of the City, including the current expense or general fund.

2.6 Distribution of BIA Fund Balance upon Completion of Winding Up the Affairs of the BIA. All monies in the BIA fund over and above those necessary for payment of BIA obligations shall be distributed by the City to those businesses located within the Business Improvement Area and subject to assessment who timely paid in full their 1992 BIA assessments. The amount to be paid to each such business shall bear the same proportion to the balance in the BIA fund as said business's assessment bore to the 1992 BIA assessment roll. At the discretion of the Director of Administration and Finance, a first partial distribution of said BIA monies may be made as of December 31, 1992 with subsequent partial distributions at such time or times as the BIA fund has a balance of \$2,000.00

or more. At such time as all unpaid assessments have been either collected or with City Council approval, written off as uncollectible, and all liabilities and debts of the BIA, including expenses of winding up its affairs have been fully paid, any monies then remaining in the BIA fund shall be distributed as the final distribution.

Provided, however, in the event the City Council in its Ordinance to disestablish so provides, then said BIA fund balance shall be used by the City as may be appropriated by the City Council only for decoration or beautification amenities for the public places within the area of the BIA as it existed prior to its termination.


2.7 Upon completion of all steps set forth in subsections 2.1 through 2.6 inclusive, the affairs of the BIA shall be deemed to be complete and a report to that effect shall be made by the Director of Administration and Finance to the City Council who shall consider said report and if satisfied, adopt a resolution declaring the winding up of affairs of said BIA to be completed.

Section 3. Notice of Hearing. The City Council will hold a hearing on the proposed disestablishment of the BIA and the program for winding up its affairs as set forth in this resolution as a part of its regular City Council meeting to commence at 7:30 p.m. on the 21st day of July, 1992. Notice of said hearing shall be given by mailing a copy of this Resolution to each business located within the Business Improvement Area as described in Section 1 of Ordinance 3128 (as amended by Ordinance 3231) at the addresses therefore appearing on the current business license records of the City. Mailing to any business within the area which has failed to apply for a City business license may be addressed to such business at the address therefore appearing on the records of the Kirkland Fire Department. Additional notice of hearing shall be given by publication of this Resolution at least once in the official newspaper of the City.

Publication and mailing of notice shall be completed at least ten days prior to the date of the hearing as set forth above.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 16th day of June, 1992.

Signed in authentication thereof this 16th day of June, 1992.



MAYOR

Attest:



City Clerk

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