

ORDINANCE NO. 393

AN ORDINANCE, specifying and adopting a system or plan of additions to and betterments and extensions of the waterworks utility of the City of Redmond, Washington, including the system of sewerage as a part thereof; declaring the estimated costs thereof, as near as may be; providing for the issuance of not to exceed \$458,150.00 par value of water and sewer revenue bonds to obtain the funds with which to pay the costs thereof; and authorizing and directing the City officials to proceed with said improvement.

WHEREAS, the City of Redmond, Washington, now a City of the third class, by Ordinance No. 200, passed by the Town Council and approved by the Mayor on March 27, 1957, specified and adopted a system or plan for a system of sewerage for the Town and provided that the system of sewerage be acquired, and including all additions, extensions and betterments thereof, should become a part of the waterworks utility of the Town, said combined waterworks system and sewerage system, including all additions thereto and betterments and extensions thereof at any time made, being hereinafter referred to as the "Waterworks Utility of the City"; and

WHEREAS, the City of Redmond enacted Ordinance No. 331 on February 25, 1964, annexing certain territory therein described to the City of Redmond, effective February 27, 1964, pursuant to an election of the voters residing within such territory, Ordinance No. 331 being incorporated herein as though fully set forth by this reference thereto; and

WHEREAS, on the effective date of said annexation, a portion of the territory annexed was within the boundaries of Lake Hills Sewer District, King County, Washington, and the Sewer District owned and operated a sewer trunk line through the annexed territory but no part of the annexed territory within the boundaries of the Sewer District was then being served by the Sewer District; and

WHEREAS, the City enacted Ordinance No. 347 on October 13, 1964, entitled as follows:

AN ORDINANCE, relating to sewer districts and sanitary sewer service; assuming jurisdiction and control of those portions of Lake Hills Sewer District of King County which are located

within the territory annexed to the City of Redmond under Ordinance No. 331; and assuming exclusive jurisdiction over sanitary sewer service within such area.

and

WHEREAS, it is the intention of the City Council of the City of Redmond to exercise the City's rights under Section 22, Chapter 282 Laws of 1961, as amended by Section 1, Chapter 231, Laws of 1963, and Section 23, Chapter 282, Laws of 1961, as amended by Section 2, Chapter 231, Laws of 1963, codified and enacted as RCW 35.13.243 and RCW 35.13.246 by Chapter 7, Laws of 1965, and pursuant to Ordinance No. 346, assume ownership, possession and control over, and connect the City's sewer system to the sewer trunk line and facilities located within the annexed territory and belonging to the Sewer District at the time of the respective annexations, such trunk line and facilities having sufficient capacity to serve the annexed territory and unannexed areas of the District; and the public welfare requires and it is advisable that sanitary sewage collection service be further extended to the annexed territory and that certain additions and betterments be made to the waterworks utility of the City to provide such service, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City of Redmond, Washington, hereby specifies and adopts a system or plan for making additions to and betterments and extensions of the waterworks utility of the City, which shall consist of the following:

a. There shall be acquired, constructed and installed the sanitary sewage collection lines and trunk sewers and other facilities described in "Exhibit A" attached hereto and hereby incorporated as a part of this ordinance, said lines and facilities to be constructed and installed in accordance with plans and specifications therefor prepared at the direction of the City Council.

There shall be included in the foregoing the acquisition and installation of all necessary manholes, valves, fittings, couplings, connections, equipment and appurtenances, and the acquisition of any

easements or rights-of-way that may be required; and there shall be included the performance of such work as may be incidental and necessary to the foregoing construction and installation.

b. Pursuant to the authority granted to cities under RCW 35.13.243 and RCW 35.13.246, the City of Redmond shall assume ownership and possession and manage, control, maintain and operate all real and personal property, sewer mains, installations, facilities and equipment located within the territory annexed to the City by Ordinance No. 331 and now possessed, controlled or operated by Lake Hills Sewer District of King County, Washington.

c. Pursuant to subsection (2) (A) of RCW 35.13.243, the City shall, for the economic life of the existing sewer trunk line now owned and operated by the Sewer District, and located within the annexed territory, make such property, facilities and equipment available for use by the Sewer District to the same extent such property, facilities and equipment serve the unannexed portion of the District on the date of annexation.

d. The above described additions to and extensions of the sanitary sewer system of the City, together with the Lake Hills Sewer District of King County, Washington, facilities acquired shall be connected to the existing sewer trunk line of the Sewer District for transmission to the sewage treatment plant and facilities owned by the Municipality of Metropolitan Seattle under the existing contract that the City has with said Municipality. Such extensions and connections shall be made in a careful and safe manner so as not to jeopardize the sanitary sewer service of the Sewer District for properties in the unannexed portions of the Sewer District.

The City Council may modify the details of the foregoing system or plan where, in its judgment, it seems advisable, provided such modifications do not substantially alter the purposes hereinbefore set forth. The foregoing system or plan shall be considered as a further addition, extension and betterment of the system or plan adopted under Ordinance No. 373 and so far as the annexed territory is concerned.

Section 2. The life of the foregoing additions to and betterments and extensions of the waterworks utility of the City is hereby declared to be at least thirty years.

Section 3. The estimated cost, as near as may be, of the foregoing additions to and betterments and extensions of the waterworks utility of the City is hereby declared to be \$ 458,150.00

Section 4. The cost of acquiring and making the foregoing additions to and betterments and extensions of the waterworks utility of the City shall be paid from the proceeds received from the issuance and sale of water and sewer revenue bonds in an amount not to exceed \$ 458,150.00 par value, provided, however, that in the event the City Council shall hereafter determine to assess a part of the cost of carrying out any portion of the foregoing additions to and betterments and extensions of the waterworks utility of the City against property specially benefitted thereby and/or the City shall receive payments in lieu of assessments or capital contributions from property owners, the amount of the authorized water and sewer revenue bonds shall be reduced by the amount of such special assessments, payments in lieu of assessments and capital contributions made. The revenue bonds may be issued in one or more series at such time as the City Council shall deem advisable, shall bear interest at a rate or rates not to exceed 6% per annum, payable semiannually, and shall be numbered from "1" upwards consecutively with each series as issued. The bonds shall be in such denominations and forms, shall bear such designation, dates and interest rate or rates, shall be payable at such place or places, shall mature serially in accordance with schedule beginning not earlier than one year after date of issuance and ending not later than thirty years thereafter, or shall be term bonds, shall have such option of payment prior to maturity, shall guarantee such coverage and collection of rates, shall provide for such additional funds and accounts, and shall contain and be subject to such provisions and covenants as shall hereafter be provided for by ordinance. The bonds shall be sold in such manner as the City Council of the City of Redmond shall deem in the best interest of the City.

Section 5. There is hereby created and established in the office of the City Treasurer a special fund to be known as the "Water and Sewer Revenue Bond Fund, 1966," which fund shall be drawn upon for the sole purpose of paying the principal of and interest on the bonds herein authorized to be issued. From and after the date of issuance of the bonds, and so long thereafter as bonds are outstanding against the "Water and Sewer Revenue Bond Fund, 1966," the City Treasurer shall set aside and pay into said fund out of the gross revenues of the waterworks utility of the City a fixed amount, without regard to any fixed proportion namely an amount sufficient to pay the principal of and interest on the bonds as they respectively become due, and to create such surplus and reserve, if any, that may hereafter be prescribed by Ordinance. The gross revenues from the waterworks utility of the City are hereby pledged to such payment, and such bonds shall constitute a charge or lien upon such gross revenues, prior and superior to all other charges or liens whatsoever, excluding charges for maintenance and operation, PROVIDED, HOWEVER, that if the conditions required to be met for the issuance of parity bonds, as set forth in Section 7 of Ordinance No. 206, passed November 13, 1957, shall be met at the time of the issuance of such bonds, the charge or lien upon such gross revenues for such bonds shall be on a parity with the charge or lien upon such gross revenues for the outstanding "Water and Sewer Revenue Bonds, 1957," dated December 1, 1957, "Water and Sewer Revenue Bonds, 1960," dated March 1, 1960, "Water and Sewer Revenue Bonds, 1962, Series A," dated October 1, 1962, and any additional parity revenue bonds, hereafter issued in accordance with the provisions of said Section 7 of Ordinance No. 206, but the said charge or lien upon such gross revenues shall be subordinate and inferior to the prior charges or lien upon the same for the payment of the outstanding "Water Revenue Bonds, 1951," dated August 1, 1951. If said parity conditions shall not be met, the charge or lien upon such gross revenues for the bonds shall be subordinate and inferior to the prior charge or lien upon such gross revenues for the presently outstanding "Water Revenue Bonds, 1951," "Water and Sewer Revenue Bonds, 1957,"

"Water and Sewer Revenue Bonds, 1960," and "Water and Sewer Revenue Bonds, 1962, Series A."

Section 6. The gross revenues and benefits to be derived from the operation and maintenance of the waterworks utility of the City at the rates to be charged for water and sanitary sewage disposal service on the entire utility will, in the judgment of the City Council, be more than sufficient to meet all expenses of operation and maintenance thereof and to permit the setting aside into the "Water and Sewer Revenue Bond Fund, 1966," out of the gross revenues of the entire utility an amount sufficient to pay the interest on the bonds herein authorized to be issued, as such interest becomes payable, and to pay and redeem all of such bonds at maturity, and further, to meet the obligations of the City with reference to all outstanding "Water Revenue Bonds, 1951," "Water and Sewer Revenue Bonds, 1957," "Water and Sewer Revenue Bonds, 1961," and "Water and Sewer Revenue Bonds, 1962, Series A."

Section 7. The City Council and corporate authorities of the City of Redmond hereby declare that in fixing the amounts to be paid into the "Water and Sewer Revenue Bond Fund, 1966," as set forth herein, they have exercised due regard to the cost of operation and maintenance of the waterworks utility of the City and the debt service requirements of the outstanding "Water Revenue Bonds, 1951," "Water and Sewer Revenue Bonds, 1957," "Water and Sewer Revenue Bonds, 1960," and "Water and Sewer Revenue Bonds, 1962, Series A," and the City of Redmond has not bound and obligated itself and will not bind and obligate itself to set aside and pay into such Fund a greater amount or proportion of the revenues of the waterworks utility of the City than in the judgment of the City Council will be available over and above such costs of maintenance and operation and debt service requirements of the outstanding "Water Revenue Bonds, 1951," "Water and Sewer Revenue Bonds, 1957," "Water and Sewer Revenue Bonds, 1960," "Water and Sewer Revenue Bonds, 1962, Series A," and that no portion of the revenues of the waterworks utility of the City has been previously pledged for any indebtedness other than the outstanding "Water Revenue

bonds, 1951," "Water and Sewer Revenue Bonds, 1957," "Water and Sewer Revenue Bonds, 1960," and "Water and Sewer Revenue Bonds, 1962, Series A," except that pursuant to Ordinance No. 305, passed by the City Council and approved by the Mayor on May 14, 1963, the City authorized the issuance and sale of not to exceed \$220,000.00 par value of "Water and Sewer Bonds, 1963," and pursuant to Ordinance No. 373, passed by the City Council and approved by the Mayor on April 27, 1965, the City authorized the issuance and sale of not to exceed \$625,000.00 par value of "Water and Sewer Bonds, 1965," none of which have been issued nor is it contemplated that any of the "Water and Sewer Bonds, 1963," will be issued.

Section 8. The proceeds from the sale of the water and sewer revenue bonds herein authorized to be issued shall be used for the purpose of carrying out the system or plan of additions to and betterments and extensions of the waterworks utility of the City as herein authorized and of paying the costs and expenses connected therewith, and the City of Redmond, through its proper officers and agents, shall proceed with the making of said improvement and the calling of bids therefor in the manner provided by law. Pending the sale of such revenue bonds, the City may issue interest bearing warrants drawn upon the "Water and Sewer Construction Fund" to be paid out of the proceeds of such bonds.

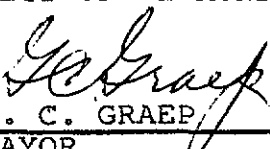
Section 9. Upon the connection and commencement of service to the territories annexed to the City, the City shall fix and collect sewer charges for the use of the sanitary sewer facilities and for sewer service in such territory and on the same basis and pursuant to the same standards and authority that now applies to the existing sanitary sewer system of the City except that sewer charges in such territory may differ from those in other areas of the City, taking into consideration, among other things, the level of charges presently paid by sanitary sewer users in the territory serviced by Lake Hills Sewer District of King County, Washington, maintenance and operation cost of facilities in such territory, and any obligation the City may have for the payment for the use of the facility now owned and operated by the Sewer District.

Section 10. No operation of the City shall affect the right to service of any owner of real estate or any person within Lake Hills Sewer District of King County, Washington, but outside the City, who has paid or contributed towards the cost of installation of any improvements located in the territory annexed except the City shall be under no obligation to maintain, replace, or repair any facilities located outside the City.


Section 11. This Ordinance shall take effect and be in force five (5) days after the date of its publication in the manner provided by law.

PASSED by the City Council of the City of Redmond, Washington, at a regular meeting thereof, and APPROVED by the Mayor this 8<sup>th</sup> day of February, 1966.

CITY OF REDMOND

  
G. C. GRAEP  
MAYOR

ATTEST:

  
R. K. RETTIG  
CITY CLERK

APPROVED AS TO FORM:

  
JOHN D. LAWSON  
CITY ATTORNEY



ORDINANCE NO. 393

EXHIBIT A.

<u>Approx. Size</u>	<u>On</u>	<u>From</u>	<u>To</u>
8"	Samm Lakefront and/or W Lake Samm Blvd with pumping station	NE 20 <sup>th</sup> St	Approx 330' N of NE 40 <sup>th</sup> St
4"	Force main on easement & Lake Samm Blvd	Lakefront pumping station	Approx 550' S of of NE 40 <sup>th</sup> St
8"	172nd Avenue NE	NE 30 <sup>th</sup> St	W Lk Samm Blvd
8"	NE 36 <sup>th</sup> St	172nd Ave NE	W Lk Samm Blvd
8"	NE 40 <sup>th</sup> St	156 <sup>th</sup> Ave NE	Lakefront
8"	175 <sup>th</sup> Avenue NE	NE 38 <sup>th</sup> St	NE 40 <sup>th</sup> St
8"	NE 38 <sup>th</sup> St	W Lk Samm Blvd	175 <sup>th</sup> Ave NE
8"	NE 24 <sup>th</sup> St	900' W of W Lk Samm Blvd	W Lk Samm Blvd

NOTE: The above sewers which terminate on West Lake Sammamish Blvd. will discharge into the existing trunk sewer located on West Lake Sammamish Blvd from 177<sup>th</sup> Avenue N.E. to the Metro Treatment Plant.

8"	On Easement	Existing Brae Burn Pumping Station	W Lk Samm Blvd of Lakefront Sewer
8"	On Easement	Intersection of 169 <sup>th</sup> Ave NE & NE 46 <sup>th</sup> St (Not Developed).	Lakefront Pumping Station

TOGETHER WITH: Lakefront Pumping Station, Flushing Stations, Brae Burn Pumping Station and necessary appurtenances.

In addition to the proposed construction of the above sewers and facilities, the following sewers which were installed at the property owner's expense, are to be acquired by the City of Redmond for service, operation and maintenance: All the sewers in streets and easements in Tam-O-Shanter Park Nos. 3, No. 5, and No. 6; all the sewers in Brae Burn streets and easements; all the sewers in Cameret streets and easements; and all the sewers in Cameret View streets and easements.