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WP0401C-ORD
12/01/94

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4716

AN ORDINANCE assuming jurisdiction and ownership over the Eastgate Sewer District's service area, assets, facilities, responsibilities, property and equipment, pursuant to an assumption agreement entered into between the City of Bellevue and Eastgate Sewer District, and directing the City Manager to take the necessary steps to proceed with dissolution of the District pursuant to said agreement.

WHEREAS, the Eastgate Sewer District currently provides sewer utility service to property within the corporate limits of Bellevue and within portions of unincorporated King County; and

WHEREAS, the City of Bellevue has annexed at least sixty per cent of the assessed valuation of the real property lying within the service area of the Eastgate Sewer District; and

WHEREAS, the City of Bellevue is authorized by Chapter 35.13A RCW to assume jurisdiction and ownership of Eastgate Sewer District's responsibilities, properties, facilities and equipment within or without the City's corporate boundaries and to contract with respect to the rights, powers, duties and obligations of the City and the District with regard to the use and ownership of property, the provision of services, the maintenance and operation of facilities, the application and use of assets, the disposition of liabilities and debts, the performance of contractual obligations, and other matters arising out of the inclusion, in whole or in part, of the District within the City; and

WHEREAS, pursuant to Resolution No. 5811, the City Council declared its intent to assume jurisdiction over the Eastgate Sewer District and authorized the City Manager to negotiate an assumption agreement with the Eastgate Sewer District; file a notice of intent to assume and dissolve the District with the Boundary Review Board for King County; and to prepare an ordinance to finalize the assumption upon receipt of approval from the Board; and

WHEREAS, the Commissioners of the Eastgate Sewer District also declared their intent to seek assumption of the Eastgate Sewer District by the City of Bellevue and dissolution of said District, pursuant to an assumption agreement; and

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WHEREAS, pursuant to Resolution No. 5815, the City Manager executed that certain Assumption Agreement with the Eastgate Sewer District, a copy of which agreement was given Clerk's Receiving No. 20876; and

WHEREAS, a Notice of Intent for the assumption and dissolution action was duly filed with the Boundary Review Board and the 45-day period established for invocation of the Board's jurisdiction passed without any request for such jurisdiction being filed and the assumption was therefore deemed approved by the Board effective October 1, 1994, now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Assumption. Effective at 12:01 a.m. January 1, 1995, the City of Bellevue hereby assumes jurisdiction and ownership over all of the Eastgate Sewer District's service area, assets, facilities, responsibilities, property and equipment, all pursuant to the terms, conditions and agreements provided in that certain Assumption Agreement with the Eastgate Sewer District given Clerk's Receiving No. 20876 and incorporated herein by this reference as if set forth in full. A list of all assets, facilities, responsibilities, property, and equipment over which the City assumes jurisdiction and ownership is contained in the Assumption Agreement. The legal description of the service area assumed is as set forth in the Notice of Intent filed with the Boundary Review Board, a copy of which legal description has been given Clerk's Receiving No. 21044. This assumption is undertaken pursuant to Chapter 35.13A RCW.

Section 2. City Manager Authorized. The City Manager, or his designee, is authorized to take any and all actions necessary to carry out the terms and conditions of the Assumption Agreement.

Section 3. Dissolution of District. Pursuant to Section 2.C of the Assumption Agreement, the City Manager or his designee, with the assistance of the City Attorney, is hereby authorized to pursue dissolution of the Eastgate Sewer District and to execute any necessary documents, petitions and court pleadings required to accomplish dissolution pursuant to RCW 35.13A.080. (See also RCW 56.04.090 and chapter 53.48 RCW.)

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Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

PASSED by the City Council this 5th day of December, 1994, and signed in authentication of its passage this 5th day of December, 1994.

(SEAL)

Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Kirkby, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published December 9, 1994