CITY OF YELM
EXHIBIT A
ORDINANCE NO. 649

AN ORDINANCE of the City of Yelm, Washington, authorizing the Mayor to enter into an Assessment Reimbursement Contract (latecomer agreement) relating to sewer system improvements in the area of Highway 507 to and including portions of 104th Avenue SE.

WHEREAS, Harr Family Homes (Owners) have constructed at their own cost and expense certain municipal sewer system improvements (hereinafter called "sewer facilities") in the area of Highway 507 to and including portions of 104th Avenue SE; and

WHEREAS those improvements are described in a proposed latecomer agreement and particularly in Exhibit B attached to the agreement; and each are within the benefit area also described in Exhibit B to each agreement; and

WHEREAS, those facilities have been constructed to meet all standards of the City of Yelm as determined by the Director of the Department of Public Works ("Director"); and

WHEREAS, the parties desire to enter into a latecomer agreement for those facilities pursuant to the authority granted by chapter 35.91 RCW and chapter 13.12 of the Yelm Municipal Code (YMC) whereby provisions are made for the reimbursement of the Owners and their assigns by any owners of real estate who did not contribute to the original cost of such facilities and who subsequently tap onto or use the same, of a fair pro rata share of the cost of construction of such facilities including an interest factor as provided therein; and

WHEREAS, the Director has determined that the facilities and proposed latecomer agreement each meet all applicable requirements and standards of the City of Yelm including but not limited to the requirements for such contracts in chapter 13.12 YMC; and

WHEREAS, pursuant to chapter 13.12 YMC the Director has recommended that the Yelm City Council approve the proposed latecomer agreement, a copy of which is attached to this ordinance together with the Director's written recommendation; and

WHEREAS, pursuant to a hearing held before the Yelm City Council on January 13th, 1999 as required by chapter 13.12 YMC, the Council FINDS that the attached proposed latecomer agreement would be a benefit to the City of Yelm and its citizens, and complies with the requirements of chapter 13.12 YMC;

NOW, THEREFORE, The City Council of the City of Yelm HEREBY ORDAINS AS FOLLOWS:

1. The City Council approves and authorizes the Mayor to enter into the latecomer agreement entitled "NISQUALLY ESTATES LATECOMERS - SEWER" attached to this ordinance, and DIRECTS that the agreement be filed for record with the Thurston County Auditor as required by YMC 13.12.040 within thirty (30) days following its execution.

Section 2. Effective Date. This ordinance shall take effect five days after its publication as provided by law.

PASSED by the City Council of Yelm this 13th day of January, 1999.

Kathryn M. Wolf, Mayor

ATTEST: Agnes Bennick, City Clerk

PASSED and APPROVED: January 13, 1999
EFFECTIVE: January 29, 1999
PUBLISHED: Nisqually Valley News: January 22, 1999