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Puyallup, WA Ordinance No. 2483

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PUYALLUP ADOPTING CONDITIONS FOR REIMBURSEMENT OF COST FOR CONSTRUCTION OF STORM DRAIN PIPE INSTALLED BY CASCADE CHRISTIAN SCHOOLS

WHEREAS, the City of Puyallup (hereinafter the City) may require that improvements to the City's infrastructure be constructed as a result of certain developments by the owners of said developments, and

WHEREAS, the City has adopted a comprehensive plan which recommends that in certain cases, the City join with the owners of developments to make more efficient use of public funds; and

WHEREAS, pursuant to RCW 35.72.050 the City may join in the financing of improvement projects and may be reimbursed in the same manner as the owners of real estate who participate in the projects, if the City has specified conditions of its participation in an ordinance; and

WHEREAS, the City has approved a permit for the development of a high school facility owned by Cascade Christian Schools (hereinafter referred to as Cascade) located at the 900 block of 21st Street Southeast, and the City has required certain storm drainage improvements to mitigate the impacts of said development on the City's storm drainage system, including the installation of a 30 inch diameter pipe from Cascade's site, north along 21st Street S.E. to Pioneer Ave., across Pioneer Ave. and connected to the Deer Creek drainage system on the north side of Pioneer Ave.; and

WHEREAS, the City desires to make additional improvements to the storm drainage system in the vicinity of the Cascade project to reduce the potential for flooding in the area and by increasing the size of the storm drainage pipe required for the Cascade project to 48 inches and extending said pipe to 25th Street a portion of the said additional improvements will be satisfied; and

WHEREAS, Cascade has agreed to participate in the construction of said 48 inch pipe, and Cascade has agreed to grant the City an easement across their property providing access for maintenance of said pipe line, and the City has agreed to reimburse Cascade for the additional cost to construct the larger pipe line;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PUYALLUP DO ORDAIN
AS FOLLOWS:

Section 1. Pursuant to RCW 35.72.050, the conditions by which the City and Cascade will be reimbursed for a portion of the cost to construct said 48 inch storm drain pipe shall be as follows:

1. Construction Costs

Prior to the installation of the 48 inch pipe, Cascade shall submit to the City Engineer for review and approval a notarized statement containing an itemized breakdown of the estimated total cost of the 30 inch pipe which Cascade was originally required to install. Upon completion of the installation of the 48 inch pipe, Cascade shall submit to the City Engineer a notarized statement containing an itemized breakdown of the total cost of the completed construction. The City will then reimburse Cascade for the difference between the actual construction cost of the 48 inch pipe and the estimated construction cost of the 30 inch pipe.

1. Assessment Reimbursement Area

Pursuant to RCW 35.72.040, an assessment reimbursement area shall be formulated by the City Engineer's Office based upon a determination of which parcels would require similar improvements upon development. The preliminary determination of area boundaries and assessments, along with a description of the property owner's rights and options, shall be forwarded by certified mail to the property owners of record within the proposed assessment area. If any property owner requests a hearing in writing within twenty days of the mailing of the preliminary determination, a public hearing shall be held before the City Council, notice of which shall be given to all the affected property owners. The City Council's ruling is determinative and final.

1. Reimbursement By Other Property Owners

Pursuant to RCW 35.72.020, Cascade and the City shall receive partial reimbursement for a period of not to exceed fifteen years of a portion of the costs of the project by other property owners who:

- (a) Are determined to be within the assessment reimbursement area;
- (b) Are determined to have a reimbursement share based upon a benefit to the property owner;
- (c) Did not contribute to the original cost of the project; and
- (d) Subsequently develop their property within the fifteen-year period and at the time of development were not required to install similar projects because they were already provided for by the "latecomers" contract.

Section 2. This ordinance shall be in full force and effect five days after publication as required by law.

DATED this 20TH day of MAY, 1996

MIKE DEAL, Mayor

ATTEST:

BARBARA J. PRICE

City Clerk

APPROVED AS TO FORM:

BRUCE DISEND

City Attorney

PUBLISHED: Friday, May 24, 1996