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ORDINANCE NO. 3777

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC 7.30.036 SEWER SPECIAL CONNECTION DISTRICTS TO ADD A NEW SUBSECTION ECC 7.30.036(C) ESTABLISHING A SPECIAL CONNECTION FEE FOR CERTAIN PROPERTIES ON OR NEAR OLYMPIC VIEW DRIVE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City of Lynnwood has constructed a major street improvement project for Olympic View Drive from 76th Avenue West to 168th Street Southwest; and

WHEREAS, pursuant to special agreement, an opportunity existed to install sanitary sewers in conjunction with said improvements; and

WHEREAS, residential properties abutting the street improvements are served by septic systems rather than sanitary sewers with the exception of 17626 Olympic View Drive; and

WHEREAS, the existing septic systems are likely to fail within the foreseeable future; and

WHEREAS, the residential property at 17626 Olympic View Drive is currently connected to the public sewer system; and

WHEREAS, the property at 17626 Olympic View Drive has the option to connect to the sanitary sewers constructed with said improvements; and

WHEREAS, due to the localized nature of the sewer project and its limited benefit to the rest of the sewer utility, the City Council deems it to be in the public interest to fund the project with monies from the City's sewer utility subject to the payment of a special connection fee by affected property owners when they connect to the sewer system; and

WHEREAS, the City Council deems it appropriate to create a special connection fee based on the actual costs of design and construction of this component of the City's sanitary sewer system and to levy that charge against the properties described herein at the date of connection; and

WHEREAS, the City Council deems it appropriate, when connection to the sanitary sewer system and payment of the special connection fee is deferred, that the fee be adjusted in consideration of the time value of money applied to the original actual cost of construction;

NOW, THEREFORE,

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

Section 1. Amended. ECC 7.30.036, Sewer special connection districts, is hereby amended by the addition of a new subsection ECC 7.30.036(C) to read as follows:

C. Olympic View Drive Sewer Special Connection Districts

1. Properties legally described, addressed and identified on the attached Exhibit A (maintained on file in the City Clerk's office) as 7101, 7109, 7115, 7327, and 7333 Olympic View Drive, and 7530 184th Place SW/Olympic View Drive, or any subdivision, lot line adjustment, reconfiguration, or modification (including but not limited to legal description, address and other identification) of the lots or the property represented by those addresses shall pay, in addition to other connection charges and/or permit fees required by ordinance and/or resolution, a special connection fee, to be paid in full at the

time of initial connection to the sewer laterals constructed in Olympic View Drive as identified on sheets 72-78 of City of Lynnwood's construction drawings for the Olympic View Drive Phase 2 – 76th Ave W to 178th Pl SW, as follows:

Address	Special Connection Fee
7101 Olympic View Drive	\$4,015.85
7109 Olympic View Drive	\$3,720.56
7115 Olympic View Drive	\$3,569.45
7327 Olympic View Drive	\$3,009.26
7333 Olympic View Drive	\$2,939.29
7530 184 th Place SW	\$3,798.31

Upon declaration by the city that the aforementioned sewer laterals constructed in Olympic View Drive are operational, the properties in Exhibit A shall connect to the sewer system in accordance with the requirements of ECDC 18.10.010 and ECC 7.30.040; provided that a four month extension to connect shall be granted to any of said properties that is developed upon payment, before the expiration of the time limit to connect set forth in ECDC 18.10.010, of one third (1/3) of the respective special connection fee charged above.

Any of said properties that is undeveloped at the time the sewer laterals are declared operational shall be allowed to defer connection to the public sewer system until the time when the property is developed. The owner of a property with deferred connection shall pay, upon initial connection to sewer laterals in Olympic View Drive, the special connection fee as set forth above, increased by a cumulative multiple, to the extent permitted under RCW 35.92.025, equal to the Department of Labor Bureau of Labor Statistics Consumer Price Index for construction for the Seattle-Bellevue-Everett area from the expiration of the time limits to connect set forth in ECDC 18.10.010, which would then have applied had the property not been undeveloped, to the time of initial connection.

2. Properties legally described, addressed and identified on the attached Exhibit B (maintained on file in the City Clerk's office) as 17632, 17708, 17626, 17806, 17810, 17910, and certain unaddressed property located between 17810 and 17910 Olympic View Drive and any subdivision, lot line adjustment,

reconfiguration, or modification (including but not limited to legal description, address and other identification) of the lots or the property represented by such addresses shall pay, in addition to other connection charges and/or permit fees required by ordinance and/or resolution, a special connection fee, to be paid in full at the time of initial connection to the public sewer manhole and stub pipe located at the northwest corner of 180th St. SW and Olympic View Drive as identified on sheet 60 of City of Lynnwood's construction drawings for the Olympic View Drive Phase 1 - 178th Pl SW to 168th St SW (public sewer manhole), of \$4,932.85 per lot.

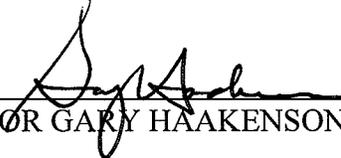
Due to the significant additional sewer system construction that will be required at the property owners' expense to connect to the above referenced public sewer manhole and stub pipe, the properties in Exhibit B, regardless of whether they are developed or not, may, notwithstanding the requirements of ECDC 18.10.010 and ECC 7.30.040, defer connection to the same.

The owner of a property that defers connection shall pay, upon initial connection to the public sewer manhole and stub pipe, the above established special connection fee, increased by a cumulative multiple, to the extent permitted under RCW 35.92.025, equal to the Department of Labor Bureau of Labor Statistics Consumer Price Index for construction for the Seattle-Bellevue-Everett area from the expiration of the time limits to connect set forth in ECDC 18.10.010 to the time of connection; provided that, if the property with deferred connection was undeveloped when the public sewer manhole and stub pipe were declared operational by the city, its owner shall pay, upon initial connection to the same, the above established special connection fee, increased to the extent permitted under RCW 35.92.025 by the aforementioned Index from the expiration of the time limits to connect set forth in ECDC 18.10.010, which would then have applied had the property not been undeveloped, to the time of connection.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

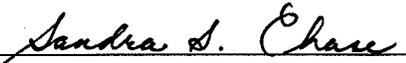
Section 3. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:



MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:



CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:


BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	01-15-2010
PASSED BY THE CITY COUNCIL:	01-19-2010
PUBLISHED:	01-24-2010
EFFECTIVE DATE:	01-29-2010
ORDINANCE NO. <u>3777</u>	

SUMMARY OF ORDINANCE NO. 3777

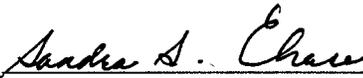
of the City of Edmonds, Washington

On the 19th day of January, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3777. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC 7.30.036 SEWER SPECIAL CONNECTION DISTRICTS TO ADD A NEW SUBSECTION ECC 7.30.036(C) ESTABLISHING A SPECIAL CONNECTION FEE FOR CERTAIN PROPERTIES ON OR NEAR OLYMPIC VIEW DRIVE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 20th day of January, 2010.



CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



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of the City of Edmonds, Washington

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The full text of this Ordinance will be mailed upon request.
DATED this 20th day of January, 2010.
CITY CLERK, SANDRA S. CHASE
Published: January 24, 2010.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance

No. 3777

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

January 24, 2010

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Inghl

Principal Clerk

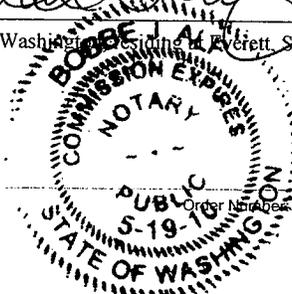
Subscribed and sworn to before me this

25th

day of January, 2010

[Signature]

Notary Public in and for the State of Washington, County of Snohomish, City of Everett, Snohomish County.



RECEIVED

FEB 02 2010

EDMONDS CITY CLERK