

MOTION NO. 8375

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A motion authorizing an interlocal agreement between King County and the City of Des Moines to forward surface water charge revenue for two quarters of 1991 to the City due to annexation of unincorporated King County to the City of Des Moines.

WHEREAS, Des Moines has annexed an area of unincorporated King County known as the Des Moines Creek Annexation area, and

WHEREAS, Des Moines has a surface water management utility and will provide property owners in the area with surface water management services, and

WHEREAS, Des Moines has, through its Resolution 644, determined that the City will begin collecting surface water management service charge revenue from the residents of the annexation area on January 1, 1992, and

WHEREAS, King County has billed property owners in the annexation area for 1991 service charges but will not provide services in the annexation area after June 30, 1991, and

WHEREAS, Des Moines requests that King County transfer to the City service charge revenue from property owners of the annexation area for the third and fourth quarters of 1991, and

WHEREAS, pursuant to R.C.W. 30.34, the Interlocal Cooperation Act, the parties are authorized to enter into an agreement for cooperative action:

NOW THEREFORE, BE IT MOVED BY THE COUNCIL OF KING COUNTY:

The County Executive is authorized to enter into an interlocal agreement in substantially the same form as attached with the City of Des Moines for the purpose of transferring 1991 third and fourth quarter surface water service charge revenue to the City.

PASSED this 19th day of August, 1991.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Lois North
Chairman

ATTEST:

Gerald A. Peterson
Clerk of the Council

INTERLOCAL AGREEMENT BETWEEN
KING COUNTY AND THE CITY OF DES MOINES TO
TRANSFER SURFACE WATER MANAGEMENT SERVICE CHARGE REVENUE

1 This agreement is made and entered into by King County, Washington,
2 hereinafter referred to as "King County" and the City of Des Moines, a
3 municipal corporation in the State of Washington, hereinafter referred to as
4 "Des Moines", to transfer surface water management revenue from the County to
5 the City.

6 WHEREAS, Des Moines has, effective May 20, 1991, annexed an area of
7 unincorporated King County known as the Des Moines Creek Annexation area; and

8 WHEREAS, Des Moines has, through its Resolution No. 644, determined that
9 the City will begin collecting surface water management service charge revenue
10 from the residents of the annexation area on January 1, 1992; and

11 WHEREAS, Des Moines has a surface water management utility and will
12 provide the property owners in the annexed area with surface water management
13 services; and

14 WHEREAS, King County has collected, or will collect, surface water
15 management service charges from the property owners of the annexation area
16 during 1991; and

17 WHEREAS, Des Moines requests that King County transfer to the City all
18 service charge revenue from property owners in the annexation area for the
19 third and fourth quarter of 1991; and

20 WHEREAS, King County Code Section 9.08.090 sets forth the procedure for
21 prorating the annual surface water management charge in the case of annexa-
22 tions occurring in the course of the billing year; and

23 WHEREAS, the parties are authorized to enter into a cooperative agreement
24 pursuant to RCW Chapter 39.34;

25 NOW THEREFORE, the parties mutually agree as follows:

26 I. Purpose. The purpose of this agreement is to provide for the proration
27 and transfer to Des Moines of surface water management service charge revenue
28 received by King County from owners of property located in the area known as
29 the Des Moines Creek annexation area, shown on the map attached to this agree-
30 ment as Exhibit A and incorporated by reference herein.

1 II. Findings

2 A. King County Code Section 9.08.090 sets forth proration of the
3 annual surface water management charge at one-fourth of the annual service
4 charge for each quarter of the billing year during which the property was in
5 unincorporated King County for one or more days.

6 B. The effective date of the Des Moines Creek Annexation was May 20,
7 1991. Pursuant to the terms of King County Code 9.08.090, King County will
8 prorate annual service charge revenue to one-half the annual amount on each
9 account or the amount representing two quarters of service charge revenue,
10 from January 1 through June 30, 1991.

11 III. Responsibilities of the Parties

12 A. King County

- 13 1. King County will establish which accounts are to be removed
14 from the King County Surface Water Management billing system,
15 using a map of the annexed area, and will remove those accounts
16 from County surface water billing records.
- 17 2. King County will prepare a list of properties in the annexation
18 area showing the 1991 revenue and the proration amount and will
19 forward the list to Des Moines.
- 20 3. King County will forward to Des Moines by December 31, 1991,
21 one half of the billed service charge amount. Payments will be
22 made following the final collection of revenue, due on
23 October 31, 1991. The estimated payment amount to be made by
24 King County is approximately \$4,300.00.
- 25 4. King County will prepare and forward to Des Moines an invoice
26 for the costs incurred as a result of this agreement including
27 overhead. Such costs include, but are not limited to, the cost
28 of preparing refunds, producing reports, accessing the County
29 computer system, and other related non administrative tasks.
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1 B. Des Moines

- 2 1. Des Moines will be responsible for notifying property owners in
3 the annexation area of the change in billing and responsibility
4 for drainage services from King County to Des Moines.
5 2. Des Moines will provide King County with an accurate map of the
6 annexation area to enable King County to identify all accounts
7 within the area.
8 3. Des Moines will remit the invoiced amount to King County within
9 60 days of receipt of the invoice.

10 IV. DURATION AND EFFECTIVENESS

11 A. This agreement shall become effective upon signature by all parties
12 to this agreement.

13 B. This agreement shall be in force until the tasks covered in this
14 agreement have been in completed or until December 31, 1992, whichever comes
15 first.

16 V. CONTINUATION, AMENDMENT OR TERMINATION

17 A. This agreement may be amended, altered, clarified, or extended only
18 by written agreement of the parties hereto.

19 B. This agreement may be terminated by either party upon sixty days
20 written notice.

21 C. In the event of termination, the parties are each responsible for
22 one-half the costs incurred up to the effective date of termination.

23 VI. INDEMNIFICATION

24 Both parties agree that as to all claims, actions or causes of actions
25 of whatever kind or nature including those by any person directly or indi-
26 rectly employed by either party made or asserted against either or both par-
27 ties and relating in any way to the subject matter of this Agreement each will
28 be liable to the other only to the extent of each party's fault or causation
29 and shall indemnify the other for such amount. As to all such claims, actions
30 or causes of action which are a consequence of the sole fault, negligence or
31 causation of a party to this Agreement, such party shall have the duty to
32

1 defend, save and hold the other harmless, and upon failure to do so shall pay
2 reasonable fees, costs, and expenses incurred by the other party to this
3 Agreement in defense of any such third party claims or actions or in asserting
4 its rights pursuant to this paragraph.
5

6 IN WITNESS WHEREOF, the parties hereto have executed this agreement as of
7 the day first above mentioned.
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10 Approved as to form:

King County

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12 Deputy Prosecuting Attorney
13 King County

King County Executive

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15 City Attorney
16 City of Des Moines

Title:
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EXHIBIT A

NORMANDY PARK

KING CO.

INTERNATIONAL AIRPORT

8375

CITY OF SEATAC

DES MOINES

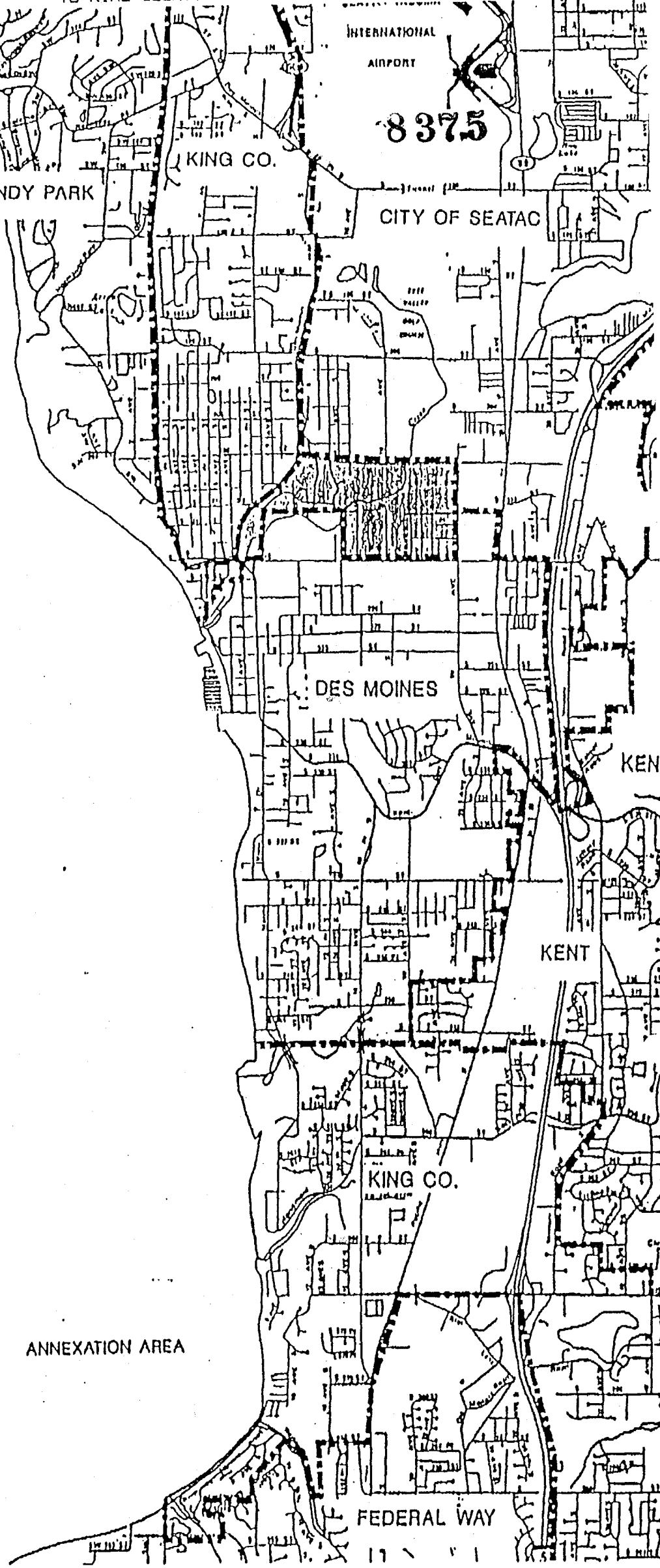
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KING CO.

ANNEXATION AREA

FEDERAL WAY



8375

RESOLUTION NO. 644

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON establishing policies for the orderly transition of the Des Moines Creek Annexation and directing the City Manager to effectuate such policies.

WHEREAS, all conditions precedent having been met, the City Council intends to annex by ordinance the Des Moines Creek annexation area on May 20, 1991, and

WHEREAS, the City Council finds it to be in the interest of good government to express certain transition policies for such annexation; now, therefore:

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Transition Policies, Des Moines Creek Annexation, Adopted Pursuant to Ordinance No. 888. The City Council hereby establishes the following transition policies related to the Des Moines Creek annexation:

1. As to any resident of the Des Moines Creek annexation area, the City Manager is authorized and directed to exchange at no cost 1991 City of Des Moines dog licenses for 1991 King County dog licenses, and any resident of the Des Moines Creek annexation area who has purchased a lifetime King County dog license may exchange it at no cost for a lifetime City of Des Moines dog license;

2. As to any business existing in the Des Moines Creek annexation area, the City Manager is authorized and directed to exchange at no cost a 1991 City of Des Moines business license for the 1991 King County business license;

3. Since residents of the Des Moines Creek annexation area have paid King County surface water management fees for 1991, the City Manager is authorized and directed to refrain from billing property in the Des Moines Creek annexation area for City of Des Moines surface water management services until January 1, 1992.

4. The King County Council is hereby requested to refund and transmit to the City of Des Moines any and all surface water management charges collected by King County from the owners of real property in the Des Moines Creek annexation area and attributable to the third and fourth quarters of 1991.

ADOPTED BY the City Council of the City of Des Moines, Washington this 28th day of March, 1991 and signed in authentication thereof this 28th day of March, 1991.

Frank Ivanovich
MAYOR

APPROVED AS TO FORM:

[Signature]
City Attorney

ATTEST:

[Signature]
City Clerk

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CITY CLERK
KING COUNTY COUNCIL