

*revised*ORDINANCE NO. 4793

AN ORDINANCE disincorporating and dissolving Drainage District No. 4 pursuant to RCW 57.90, and specifying the manner in which the disincorporation is to be accomplished.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings and Statement of Fact. The County Council, having held a public hearing on the 24<sup>th</sup> day of March, 1980, pursuant to RCW 57.90.020 and proper notice having been given of said hearing and testimony and/or evidence having been received finds that:

1. Pursuant to RCW 57.90.020, the City of Issaquah has filed Resolution No. 79-13, dated September 4, 1979, petitioning the County Council to disincorporate and dissolve Drainage District No. 4, a district located wholly within King County, a Class AA county.

2. RCW 57.90 allows the County Council to disincorporate special districts upon the filing of a resolution by a governmental unit calling for such action.

3. The City of Issaquah is a duly organized and operating municipal corporation providing municipal services to its residents and is a governmental unit within the meaning of RCW 57.90.020.

4. Drainage District No. 4 has not actively carried out any of the special purposes or functions for which it was formed, such nonperformance exceeding a five consecutive year period.

5. Drainage District No. 4 was formed in 1916.

6. Pursuant to RCW 85.06.230, the City of Issaquah has exercised its authority to assume the functions of a drainage district for the entire incorporated area.

7. The boundaries of the City of Issaquah encompass approximately ninety per cent of Drainage District No. 4 and all of the remaining territory of the district, except for that portion lying within Lake Sammamish State Park, is part of a

1 pending annexation to the City of Issaquah.

2 8. The City of Issaquah states in its resolution that it  
3 will assume the functions of Drainage District No. 4 so that  
4 disincorporation of Drainage District No. 4 would have no adverse  
5 effect upon the inhabitants within its boundaries.

6 9. Drainage District No. 4 merely adds to the number of  
7 special use districts and the best interests of the citizens of  
8 the county will be served by disincorporation thereby eliminating  
9 a nonfunctioning and unnecessary special unit of government.

10 10. Disincorporation of Drainage District No. 4 is not an  
11 action for the purposes of RCW 43.21C and WAC 197-10-040.

12 SECTION 2. Order of Disincorporation. Based on the  
13 findings set forth in Section a, that (a) no services have been  
14 provided by Drainage District No. 4 within the preceding five  
15 year period and (b) the best interests of the citizens of the  
16 county will be served by disincorporation, the County Council  
17 hereby orders the disincorporation of Drainage District No. 4,  
18 boundaries of said district being as follows:

19 Commencing at the northeast corner of the southeast  
20 quarter of the northeast quarter of Section 19,  
21 Township 24 North, Range 6 East, of the Willamette  
22 Meridian; thence east along the north line of Lot 5 of  
23 the northwest quarter of Section 20 to the shoreline of  
24 Lake Sammamish; thence along the shoreline of Lake  
25 Sammamish bounding Lots 5, 4, 3, 2, and 1 of Section  
26 20, and Lot 4 of Section 17, to the mouth of Issaquah  
27 Creek; thence along the west shoreline of Issaquah  
28 Creek through Lot 4 of Section 17, and Lot 1 of Section  
29 20; thence southeasterly continuing along said line of  
30 Issaquah Creek through Section 21, and through Section  
31 28 to the north line of the southeast quarter of the  
32 southeast quarter of Section 28; thence west along said  
33 north line and the north line of the southwest quarter  
of the southeast quarter of the said Section 28, to the  
west line of Road No. 485 (Newport Way, east of SR 900);  
thence northwesterly along the west side of Road No.  
485, through the northwest quarter of the southeast  
quarter, the northeast quarter of the southwest quarter  
and the southeast quarter of the northwest quarter, the  
northeast quarter of the northwest quarter, and the  
northwest quarter of the northwest quarter of Section  
28; thence west along the south side of Road No. 485,  
through Section 29 to the beginning of Road No. 111  
(Newport Way, west of SR 900); thence northwesterly  
along the west line of said Road No. 111, through  
Sections 29 and 20, and through the southeast quarter  
of the northeast quarter of Section 19, to the north

1 line of said southeast quarter of the northeast quarter  
2 of Section 19; thence east along the said north line of  
3 the southeast quarter of the northeast quarter of said  
4 Section 19 to the point of beginning, all in Township  
5 24 North, Range 6 East, W.M., and containing 928 acres  
6 more or less.

7 SECTION 3. Supervision of Liquidation of Assets. The  
8 King County Executive or his designee is hereby directed to  
9 supervise the liquidation of any assets and the satisfaction of  
10 any outstanding indebtedness of Drainage District No. 4 in  
11 accordance with RCW 47.90.

12 1. The King County Executive shall compile a list of any  
13 assets and any outstanding indebtedness of Drainage District No.  
14 4.

15 2. The sale of any assets of the district shall be  
16 accomplished in the manner provided in KCC 4.56, to the extent  
17 practicable.

18 SECTION 4. Distribution of Assets and Assessments to Cover  
19 Costs and Expenses of Liquidation.

20 1. The proceeds, if any, of the sale of any asset of  
21 Drainage District No. 4, together with moneys on hand in the  
22 treasury of the District, shall after payment of all costs and  
23 expenses of liquidation incurred by the County and all  
24 outstanding indebtedness be paid to the County Comptroller to be  
25 placed to the credit of the school district or districts, in  
26 which Drainage District No. 4 is situated.

27 2. In the event the proceeds of the sale of any of the  
28 assets of the District, together with the moneys on hand in its  
29 treasury are insufficient to retire any outstanding indebtedness  
30 together with all costs and expenses of litigation, the County  
31 Executive is authorized to prepare and submit to the County  
32 Council an assessment levy for enactment in the manner provided  
33 by law. Said levy shall be against the property in the District  
and in amounts sufficient to retire any outstanding indebtedness

1 and such costs and expenses as may be incurred by the county in  
2 the liquidation proceeding.

3 3. The King County Executive shall by July 1, 1980, report  
4 to the County Council an accounting of the distribution of assets  
5 and the satisfaction of any outstanding indebtedness of Drainage  
6 District No. 4.

7 INTRODUCED AND READ for the first time this 28th day of  
8 January, 1980.

9 PASSED this 24th day of March, 1980.

10 KING COUNTY COUNCIL  
11 KING COUNTY, WASHINGTON

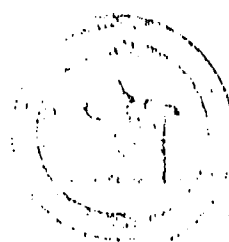
12 Bill Reams  
13 Chairman

14 ATTEST:

15  
16 Jessie M. Quinn  
17 Deputy Clerk of the Council

18 **VETCED**  
19 AS APPROVED this 31st day of March, 1980.

20 [Signature]  
21 King County Executive



*Clark*

**John D. Spellman**  
*County Executive*

King County Courthouse  
Seattle, Washington 98104  
(206) 344-4040

April 2, 1980

The Honorable Bill Reams  
Chairman, King County Council  
402 King County Courthouse  
B U I L D I N G

Dear Councilman Reams:

Ordinance 80-99, disincorporating and dissolving King County Drainage District No. 4, is vetoed for the reason below.

I have been advised by the Prosecuting Attorney's office that adequate notice was not given of the hearing of March 24, 1980, at which the County Council took final action to dissolve Drainage District No. 4. RCW 36.96.030 (2) requires in part, that notice of the hearing be posted in at least three conspicuous places within the boundaries of each special purpose district that is subject of such hearings. Due to an oversight, such notices were not posted. We have been advised that statutory notice requirements must be strictly construed and the county must, therefore, hold an additional hearing after giving such notice, to be certain that all interested parties have been heard.

I have asked the Prosecutor's office to prepare a new motion and ordinance on this subject, and to comply with the notice provisions and all other applicable provisions of RCW Chapter 36.96.

Sincerely,

John D. Spellman  
County Executive

JDS:cm