

1 February 3, 1995

Introduced by: Pullen

2  
3 BT:jl.

Proposed No.: 95-67

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5  
6 ORDINANCE NO. **11692**

7  
8 AN ORDINANCE extending sewer system Franchise  
9 No. 600 for the City of Enumclaw until  
10 December 31, 1995, and authorizing the  
11 issuance of right-of-way construction  
12 permits.

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14 1. The City of Enumclaw Franchise No. 600, to operate and  
15 maintain a sewer system on county road right of way, has  
16 expired.

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18 2. On November 17, 1994 the King County health department,  
19 environmental health division notified Warren Lokovsek, the  
20 owner of property located at 44903 284 Avenue Southeast, that  
21 his septic system was discharging into the surface of the  
22 ground and represented a public health risk.

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24 3. Since Mr. Lokovsek operates a day care center from his  
25 residence, the health department is concerned about the public  
26 health risk associated with the operation of the center with a  
27 failing septic system.

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29 4. The health department strongly encourages that this  
30 residence be connected to the City of Enumclaw's sanitary sewer  
31 main running along 284th Avenue Southeast to eliminate the  
32 potential public health risks to the day care center and  
33 neighboring properties.

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35 5. Warren Lokovsek has asked to connect to the City of  
36 Enumclaw's six-inch sewer main at the intersection of Southeast  
37 449th Street and 284th Avenue Southeast.

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39 6. While the City of Enumclaw does not encourage or support  
40 sewer service outside its corporate boundary due to the  
41 capacity limit of their sewer treatment plant, and the cost  
42 associated with the development of a new system, under City of  
43 Enumclaw Ordinance No. 1794, the City will allow new sewer  
44 service connections for septic tank failures that have occurred  
45 immediately outside the city limits that may cause health  
46 hazards to residences within the city limits.

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48 7. The City of Enumclaw has agreed to provide sanitary  
49 sewer to this residence, but with the expiration of Sewer  
50 Franchise No. 600, they will be unable to obtain the necessary  
51 right of way construction permit to perform the service line  
52 connection in unincorporated King County.

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54 8. The City of Enumclaw anticipates that it will submit its  
55 Sewer Comprehensive Plan for county approval in 1995.

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1           9. The King County utilities technical review committee  
2 recommends that the franchise be extended for one year for this  
3 purpose, and to allow the City of Enumclaw the time needed to  
4 submit and obtain approval of their sewer comprehensive plan  
5 from King County.

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7           10. Though the metropolitan King County council has adopted  
8 Ordinance 11664, whose substantive provisions are identical to  
9 this ordinance, the council did so without following the notice  
10 procedures identified in R.C.W. 36.55.040. It did so after  
11 determining that the emergency urgent public health nature of  
12 the action took precedence over the technical notice  
13 requirements and that enactment of this ordinance after due  
14 notice would remedy any procedural deficiencies.

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16           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

1           SECTION 1. Notwithstanding any provision of K.C.C. 13.24  
 2 to the contrary, the King County executive is hereby authorized  
 3 to grant an extension of Sewer Franchise No. 600 for the City  
 4 of Enumclaw until December 31, 1995, in substantially the same  
 5 form as Attachment "A." Notwithstanding any provision of  
 6 K.C.C. 14.44 to the contrary, the executive is also authorized  
 7 to issue right-of-way construction permits necessary to address  
 8 public health risks consistent with the terms of this extended  
 9 franchise. Actions taken by the executive prior to the  
 10 effective date of this ordinance but consistent with provisions  
 11 of Ordinance 11664 are hereby ratified and confirmed.

12           INTRODUCED AND READ for the first time this 30<sup>th</sup>

13 day of January, 1995.

14           PASSED by a vote of 10 to 0

15 this 21<sup>st</sup> day of February, 1995.

16                           KING COUNTY, COUNCIL  
 17                           KING COUNTY, WASHINGTON

18  
 19                           Kent Pullen  
 20                           Chair  
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22  
 23 ATTEST:

24  
 25 Gerald A. Peterson  
 26                           Clerk of the Council  
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28           APPROVED this 1<sup>st</sup> day of March, 1995.

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 31                           Greg Loh  
 32                           King County Executive  
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36 Attachments:  
 37           A. Extension Agreement

**FRANCHISE EXTENSION AGREEMENT RECITALS**

**WHEREAS, the City of Enumclaw Franchise No. 600 to construct, operate, and maintain a sewer system in County right of way expired, and**

**WHEREAS, the City of Enumclaw requested and the King County Utilities Technical Review Committee recommends that the said Franchise be extended until December 31, 1995 to give the City the opportunity to obtain the necessary right of way construction permits to connect the residence located at 44903 284th Avenue Southeast sewage disposal system to sanitary sewer, and give the City the time to obtain approval of its sewer franchise, and**

**WHEREAS, King County has approved the extension of this franchise until December 31, 1995 through the passage of Ordinance No. \_\_\_\_\_, subject to conditions contained in the Ordinance Agreement;**

**NOW, THEREFORE, King County, Washington, and the City of Enumclaw, Washington, agree to the following:**

1. **The term of King County Sewer Franchise No. 600 is hereby extended so that it will expire on December 31, 1995.**
2. **All other conditions of King County Sewer Franchise No. 600 shall remain in force and affect, and is not modified or amended by this Agreement or Ordinance No. \_\_\_\_\_.**

**THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.**

**CITY OF ENUMCLAW, WASHINGTON KING COUNTY, WASHINGTON**

**BY: \_\_\_\_\_**

**BY: \_\_\_\_\_**

**TITLE: \_\_\_\_\_**

**TITLE: \_\_\_\_\_**

**DATE: \_\_\_\_\_**

**DATE: \_\_\_\_\_**

**APPROVED AS TO FORM:**

**BY: \_\_\_\_\_**

**DATE: \_\_\_\_\_**