

RESOLUTION NO. 271

A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH FIRCREST, WASHINGTON, PERTAINING TO PUBLIC SANITARY SEWERS WITHIN THE FIRCREST ACRES NEIGHBORHOOD AND PROVIDING FOR A TEMPORARY SEWER CONNECTION FOR ONE HOUSEHOLD TO THE FIRCREST SEWER UTILITY.

WHEREAS, the cities of Fircrest and University Place are neighbors and wish to operate in the provision of essential public services; and

WHEREAS, the City of Fircrest has a sanitary sewer franchise to serve areas within the City of University Place and the cities are working cooperatively to extend Fircrest's sanitary sewer franchise to allow Fircrest to continue to serve areas of University Place; and

WHEREAS, the City of University Place has received notice of a failing septic sewer facility serving one household located within the Fircrest Acres neighborhood and the City of Fircrest, as a good neighbor, is willing to authorize a temporary sewer connection from this household to the City of Fircrest sewer utility under certain terms and conditions; and

WHEREAS, the cities of Fircrest and University Place are cooperating during discussions on the design, construction, operation and maintenance of a sanitary sewer system which the City of University Place intends to build within the next twelve months to provide a permanent solution to the Fircrest Acres neighborhood failing septic system problems; and

WHEREAS, the cities of Fircrest and University Place are authorized by the Interlocal Cooperation Act to exercise certain of their governmental powers in a cooperative manner; **NOW THEREFORE**,


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Authorization. City Manager or his designee is authorized and directed to execute on behalf of the City an Interlocal Agreement with the City of Fircrest pertaining to public sanitary sewers within the Fircrest Acres neighborhood and providing for a temporary sewer connection for one household to the Fircrest sewer utility.

Section 2. Ratification and Confirmation. Any acts made consistent with the authority and prior to the effective date of this resolution are ratified and confirmed.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL ON MAY 15, 1999.


Lorna Smith, Mayor

ATTEST:


Susan Matthew, City Clerk

AN INTERLOCAL AGREEMENT BETWEEN THE CITIES OF FIRCREST, WASHINGTON, AND UNIVERSITY PLACE, WASHINGTON, PERTAINING TO PUBLIC SANITARY SEWERS WITHIN THE FIRCREST ACRES NEIGHBORHOOD AND PROVIDING FOR A TEMPORARY SEWER CONNECTION FOR ONE HOUSEHOLD TO THE FIRCREST SEWER UTILITY

WHEREAS, the Cities of Fircrest and University Place are neighbors and wish to cooperate in the provision of essential public services; and

WHEREAS, the City of Fircrest has a sanitary sewer franchise to serve areas within the City of University Place; and

WHEREAS, the Cities of Fircrest and University Place are working cooperatively to extend Fircrest's sanitary sewer franchise to allow Fircrest to continue to serve areas of the City of University Place; and

WHEREAS, the City of University Place has received notice of a failing septic sewer facility serving one household located within the Fircrest Acres neighborhood;

WHEREAS, the City of Fircrest, as a good neighbor, is willing to authorize a temporary sewer connection from this household to the City of Fircrest sewer utility under certain terms and conditions; and

WHEREAS, the Cities of Fircrest and University Place are cooperating during discussions on the design, build, operation and maintenance of a sewer system which the City of University Place intends to build within the next twelve months in the Fircrest Acres neighborhood to provide a permanent solution to the recurrent problem of failing private septic systems within the Fircrest Acres neighborhood; and

WHEREAS, the Cities of Fircrest and University Place are authorized by the Interlocal Cooperation Act to exercise certain of their governmental powers in a cooperative manner; NOW THEREFORE

The Cities of Fircrest and University Place agree as follows:

Section 1. Authorizing a Temporary Sewer Connection Permitting a Private Household to Connect to the Fircrest Sewer Utility.

The property that is the subject of this Agreement is more particularly described as follows: Tax Parcel Number 386010 058 0

Lot 21, Block 3, Replat of a Portion of Fircrest Acres, recorded under Pierce Count Auditor's Fee Number 1482172.

The Cities of Fircrest and University Place agree that they will permit the owners of a household located at 6302 -35th Street West, University Place, Washington, to connect to the Fircrest sewer utility under the following terms and conditions:

- (A) The homeowner at the homeowner's sole expense shall obtain all necessary right of way and construction permits from the Cities of Fircrest and University Place and pay all applicable fees; and
- (B) The homeowner shall be allowed to make and continue this connection until a public sewer system is available; and
- (C) The homeowner shall agree in writing in a form acceptable to the City Attorneys as a condition of any permits issued by either Fircrest or University Place in

- connection with this Agreement that the owner shall abide by all terms and conditions imposed by this Interlocal Agreement; and
- (D) The homeowner shall temporarily connect to the Fircrest Sewer Utility through a privately owned sewer line located in either the Sunrise Lane (63rd Avenue West) or 35th Street West rights-of-way, provided that the owner submit satisfactory assurances to both Fircrest and University Place that the homeowner has received authorization to hook up to this line; and
 - (E) The homeowner shall agree in writing as a condition of the continuance of the sewer connection to abide by all pretreatment regulations and any ordinances of either the City of Fircrest or the City of Tacoma that the City of Fircrest may deem appropriate; and
 - (F) The homeowner shall agree that this Agreement and any documents relating to the issuance of permits in the execution of this Agreement shall run with the land and be binding on himself, his heirs, successors and assigns; and
 - (G) The homeowner agrees to disconnect from the privately owned sanitary sewer line which in turn is connected to the Fircrest sewer utility at such time as a public sewer system is available; and
 - (H) The Cities of Fircrest and University Place will have to receive adequate assurances from the Department of Ecology in a form acceptable to the Public Works Director for each City that the Department authorizes this connection to a privately owned sanitary sewer line; and
 - (I) In the event that the City of University Place can not, as a result of the homeowner's action, provide the connection to a public sewer system constructed by or on behalf of the City of University Place and which generally serves the Fircrest Acres neighborhood, the homeowner must, at his sole expense provide such connection, within fifteen days of being notified by letter sent via First Class Mail through the United States Postal Service to the address stated above that the sewer system is operational and a connection is possible; and
 - (J) The homeowner agrees to pay all connection charges, system development charges, latecomers fees, etc., as may be authorized by Federal, State, County or local laws, ordinances or regulations relating to the connection to the sewer system constructed by the City of University Place; the City of University Place agrees to cap its capital recovery fee at \$7,500.; and
 - (K) Homeowner shall expressly agree to indemnify and hold the Cities of Fircrest and University Place harmless from any damages incurred as a result of this agreement; and
 - (L) Homeowner shall abide by all applicable laws, regulations and standards either presently established or hereinafter adopted by either Fircrest or University Place pertaining to sanitary sewer service.

Section 2. Authorizing Further Interlocal Cooperation Regarding a Sewer System.

The Cities of Fircrest and University Place agree that the Public Works Directors for each city shall continue to meet and plan for the construction of a gravity and/or low pressure sewerage system that the City of University Place intends to build in the Fircrest Acres neighborhood and which the parties intend will be connected to the Fircrest sewer utility. The Public Works Directors are directed to prepare a draft interlocal agreement for consideration by the City Councils of both cities pertaining to the operation and maintenance for this system.

Section 3. Directing the Clerk of the City of University Place to File and Record this Interlocal Agreement.

The City Clerk of the City of University Place shall file a copy of this Interlocal Agreement with the Pierce County Auditor. The City Clerk shall further record a copy of this Agreement

together with a legal description of the household provided temporary sewer service under this Agreement. A recorded copy of the Agreement will be provided to the City of Fircrest.

Agreement dated this _____ day of May, 2000.

CITY OF FIRCREST

CITY OF UNIVERSITY PLACE

by: Susan Clough
Interim City Manager

by: Robert W. Jean
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Michael B. Smith
City Attorney

Timothy X. Sullivan
City Attorney