

CITY OF PACIFIC
WASHINGTON

ORDINANCE NO. 2014- 1858

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON CREATING PACIFIC MUNICIPAL CODE CHAPTER 13.24 RELATING TO STREET ASSESSMENT REIMBURSEMENT AGREEMENTS FOR TRANSPORTATION SYSTEM IMPROVEMENTS

WHEREAS the City of Pacific provides operates and maintains a transportation network for use by its residents and businesses; and

WHEREAS from time to time the City desires to extend and /or improve the transportation network without developer induced participation and therefore needs to establish procedures for recouping the costs associated with the initial City investment; and

WHEREAS it would be in the interest of efficiency and effectiveness for the City of Pacific to make certain amendments to Pacific Municipal Code (PMC) Title 13, by creating Pacific Municipal Code Chapter 13.24, NOW, THEREFORE, THE CITY COUNCIL OF PACIFIC, WASHINGTON, DOES ORDAIN AS FOLLOWS

(new language denoted in bold)

Section 1. PMC 13.24 "**STREET ASSESSMENTS REIMBURSEMENT AGREEMENTS**" is hereby created as follows:

STREET ASSESSMENTS REIMBURSEMENT AGREEMENTS

Sections:

13.10.010	Purpose
13.24.020	Authorization.
13.24.030	Application - Contents.
13.24.040	Notice to property owners
13.24.050	City council action.
13.24.060	Contract execution and recording.
13.24.070	Timing and method of payment.
13.24.080	City financing of improvement projects.

13.24.010 Purpose.

This chapter is intended to implement and thereby make available to the public the provisions of Chapter 35.72 RCW, Contracts for Street Projects, as the same now exists or may hereafter be amended.

13.24.020 Authorization.

Any owner of real estate who is required to construct or improve street projects as a result of any provision of this code as a prerequisite to further development may make application to the public works director for the establishment by contract of an assessment reimbursement area as provided by state law. Chapters 16.16 and 19.20 PMC constitute ordinances of the city requiring certain street projects as a prerequisite to further property development.

13.24.030 Application – Contents.

Every application for the establishment of an assessment reimbursement area shall include the following items:

- A. Detailed construction plans and drawings of the entire street project, the costs of which are to be borne by the assessment reimbursement area, prepared and stamped by a registered civil engineer;**

B. Itemization of all costs of the street project including, but not limited to, design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lights, engineering, construction, property acquisition and contract administration;

C. A map and legal description identifying the proposed boundaries of the assessment reimbursement area and each separately owned parcel within the area. Such map shall identify the location of the street project in relation to the parcels of property in such area;

D. A proposed assessment reimbursement roll stating the proposed assessment for each separate parcel of property within the proposed assessment reimbursement area as determined by apportioning the total project cost on the basis of the benefit of the project to each parcel of property within said area;

E. A complete list of record owners of property within the proposed assessment reimbursement area certified as complete and accurate by the applicant and which states names and mailing addresses for each such owner;

F. Envelopes addressed to each of the record owners of property at the address shown on the tax rolls of the county treasurer within the assessment reimbursement area who has not contributed a pro rata share of such costs as based on the benefit to the property owner from such project. Proper postage for registered mail shall be affixed or provided;

G. Copies of executed deeds and/or easements in which the applicant is the grantee for all property necessary for the installation of such street project;

H. Application Fees. The applicant for street reimbursement agreements as provided for in Chapter 13.24 PMC shall reimburse the city for the full administrative and professional costs of reviewing and processing such application and of preparing the agreement. At the time of application a minimum fee and deposit, as listed in the currently adopted fee schedule, shall be deposited with the city and credited against the actual costs incurred. The applicant shall reimburse the city for such costs before the agreement is recorded.

13.24.040 Notice to property owners.

Prior to the execution of any contract with the city establishing an assessment reimbursement area, the public works director shall mail, via registered mail, a notice to all record property owners within the assessment reimbursement area as determined by the city on the basis of information and materials supplied by the applicant, stating the preliminary boundaries of such area and assessments along with substantially the following statement:

As a property owner within the Assessment Reimbursement Area whose preliminary boundaries are enclosed with this notice, you or your heirs and assigns may be obligated to pay under certain circumstances, a pro rata share of construction and contract administration costs of a certain street project that has been preliminarily determined to benefit your property. The proposed amount of such pro rata share or assessment is also enclosed with this notice. You, or your heirs and assigns, may have to pay such share, if any development permits are issued for development on your property within _____ (____) years of the date a contract establishing such area is recorded with the King County and/or Pierce County department of records provided such development would have required similar street improvements for approval. You have a right to object to your property's assessment and request a hearing before the Pacific city council within 20 days of the date of this notice. All such requests must be in writing and filed with the city clerk. After such contract is recorded it shall be binding on all owners of record within the assessment area who are not a party to the contract. Dated:

_____.

13.24.050 City council action.

If the owner of any property within the proposed assessment reimbursement area requests a hearing, notice of such shall be given to all affected property owners in addition to the regular notice requirements specified by this code. Cost of this notice shall be borne by the applicant. At

the hearing the city council shall take testimony from affected property owners and make a final determination of the area boundaries, the amount of assessments, length of time for which reimbursement shall be required and shall authorize the execution of appropriate documents. If no hearing is requested, the council may consider and take final action on these matters at any public meeting held more than 20 days after notice was mailed to the affected property owners.

13.24.060 Contract Execution and Recording.

A. Within 30 days of final city council approval of an assessment reimbursement agreement, the applicant shall execute and present such agreement for the signature of the appropriate city officials.

B. To be binding the agreement must be recorded with the King County and Pierce County departments of records within 30 days of the final execution of the agreement.

C. If the contract is so filed and recorded, it shall be binding on owners of record within the assessment area who are not party to the agreement..

13.24.070 Timing and method of payment.

Payment of the reimbursement assessment by the owner of the property benefitted, and included in the assessment area, shall be made prior to the issuance of a building permit for any new development on the property benefitted

13.24.080 City financing of improvement projects.

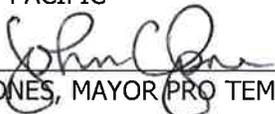
As an alternative to financing projects under Chapter 13.24 PMC solely by owners of real estate, the city may join in the financing of an improvement project and shall be reimbursed in the same manner as the owners of real estate who participate in the project, upon the passage of an ordinance specifying the conditions of the city's participation in such project. The city shall be reimbursed only for the costs of improvements that benefit that portion of the public who shall use the developments within the established assessment reimbursement area. No city costs for improvements that benefit the general public shall be reimbursed).

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 be published in the official newspaper of the City, and shall take effect and be in full force five days after the date of publication.

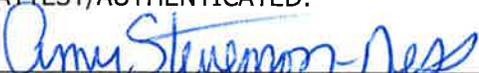
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10th DAY OF March 2014.

CITY OF PACIFIC



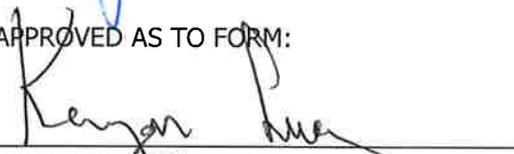
JOHN JONES, MAYOR PRO TEM

ATTEST/AUTHENTICATED:



AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:



KEN LUCE, CITY ATTORNEY