

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 129**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON, PROVIDING
FOR REIMBURSEMENT AGREEMENTS TO FACILITATE THE DEVELOPMENT
OF STREETS AND RELATED IMPROVEMENTS WHICH BENEFIT ADJACENT
PROPERTIES AND THE CITY STREET SYSTEM.**

WHEREAS, the City of Liberty Lake pursuant to RCW 35.22.280(7) has the authority to establish, widen, extend, grade, pave and otherwise improve streets, alleys, sidewalks and other public improvements including the expenditure of public funds where such expenditure is deemed to be in the public interest and for the public benefit.

WHEREAS, RCW Chapter 35.72.010 authorizes street latecomer agreements whereby the City may allow developers to construct street improvements and obtain reimbursement from property owners who benefit from but have not contributed to the improvement;

WHEREAS, RCW 35.77.050 additionally authorizes the City to join in the financing of a street improvement project and to be reimbursed for such contribution provided the reimbursement is for the costs of the improvement that provides benefit to a property that has not otherwise contributed to the costs of the improvement;

WHEREAS, the City Council desires through Ordinance to provide a procedure and authorization to seek reimbursement for the construction of City streets by private parties.

NOW, THEREFORE, the City Council of the City of Liberty Lake, Spokane County, Washington, do ordain as follows:

Section 1. **Purpose.** The purpose of this Ordinance is to permit the City to participate in the development of street improvements constructed by private parties and thereby facilitate the recovery of costs to the private parties and/or the City to the extent of City participation.

Section 2. **Requirement for Street Improvements.** Prior to the City participating in a reimbursement agreement or establishing a reimbursement area the following must be satisfied.

- A. The street improvement are must be identified through a City plan (i.e. Six Year Street Program), identified as a requirement of development pursuant to the development regulations of the City, be a condition of land use development or be found to be in the best interests of the City.
- B. A design plan and itemization of the cost of the improvement shall be submitted to the City.

- C. A map showing the location of the project in relation to the benefited parcels of property shall be submitted to the City.
- D. A project cost estimate showing the proposed assessment for each separate parcel of property within the reimbursement area including any contributions from governmental entities.
- E. A list of the property owners within the reimbursement area including names and mailing addresses.
- F. An estimate of the funds to be contributed by the City for the improvement.

Section 3. Notice to Property Owners. If the reimbursement agreement (and accompanying ordinance) will impose an assessment upon surrounding property owners, the City shall, through registered mail, provide a notice to all record property owners within the assessment reimbursement area stating the boundaries of the reimbursement area and the proposed assessments. The notice shall indicate that upon completion of the improvement the property owner will be required to pay a proportionate share of the costs that relate to the benefit received from the constructed improvement. The property owner shall be informed that there is a right to request a hearing before the City Council within twenty days from the date of notice. The purpose of the hearing shall be to determine the extent of reimbursement area and whether the assessed amount is reasonable and appropriate. The determination by the City Council shall be final and binding.

Section 4. Reimbursement Agreement. To memorialize City participation a reimbursement agreement with the developer(s) shall be executed which will include a legal description, a map and the assessments within the reimbursement area. The agreement shall provide in part: (a) property owner assessments shall be based upon a prorata share of the costs of design and construction and (b) payment of assessments will be due upon the issuance of a City permit authorizing the property owner to construct a building or improvement upon the subject property that benefits from the improvement. The reimbursement agreement shall be approved by the City Council. Where the City is a participant in a reimbursement area, the Council shall by motion or resolution authorize City participation in the reimbursement area and may provide for the recovery of City expenditures from benefited property owners to the extent that the property owner receives benefit from the construction of the improvement. The City shall be responsible to the fund that portion of the improvement that provides a general public benefit.

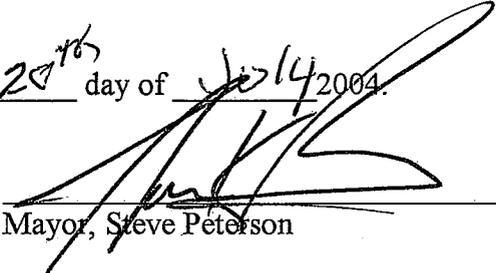
The Reimbursement Agreement shall be recorded by the City Clerk with the County Auditor within thirty days of its approval by the City Council. The final reimbursement contract filed with the County Auditor shall be binding on all property owners within the assessment area. Any contract for reimbursement from a property owner may not exceed a term of fifteen years.

Section 5. Application Process. The City Department of Community Development shall develop an application process for the establishment of reimbursement areas with an application fee established by City Council Resolution. Such application process for reimbursement shall include, at a minimum, submittal of construction plans and drawings prepared by an engineer, an itemization of the costs of the improvement, a map identifying the proposed boundaries of the reimbursement area, an estimate of the costs to be recovered from adjoining properties, a list of the record owners of properties and such other information as deemed necessary.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance shall 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 7. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City of Liberty Lake as provided by law.

PASSED by the City Council this 20th day of July 2004.



Mayor, Steve Peterson

ATTEST:



City Clerk, Arlene Fisher

Approved As To Form:



City Attorney, Stanley M. Schwartz

Date of Publication:

7/28/04
8/2/04