

ORDINANCE 1292

CITY OF LACEY

AN ORDINANCE RELATING TO LATECOMER AGREEMENTS, AMENDING SECTIONS 13.52.030 AND 13.52.050 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 13.52.030 of the Lacey Municipal Code is hereby amended to read as follows:

13.52.030 Private contract water main construction--Reimbursement by subsequent users.

- A. Whenever permanent water mains, hydrants or appurtenances are constructed or installed under private contract and subsequently accepted by the city, the constructor shall designate in writing to the city, the property having contributed its share toward the cost of constructing the mains, hydrants or appurtenances and there shall be collected by the city, from any owner of real estate who did not contribute to the original cost of such water facilities, a fair pro rata share of the cost of the construction of the water facilities, including collection not only from those owners directly connected thereto, but also users connected to laterals or branches connecting there to.
- B. The city shall record the contract in the office of the Thurston County auditor at the expense of party constructing the water facilities under private contract. The recorded contract shall include a schedule listing and legally describing those properties

abutting on the water facilities which have not contributed toward the cost of construction. The city shall pay the pro rata share of costs collected to constructors of the water facilities provided no payment to such constructors shall be made more than fifteen years after the installation and acceptance by the city of the water facilities.

However, the city may extend such fifteen-year reimbursement period for a time not to exceed the duration of any moratorium, concurrency failure or other governmental action that prevents the approval of any new development for properties subject to such agreement.

- C. The constructor shall pay to the city a fee for the services of the city in reviewing and approving such contracts in the amount established by resolution of the city council.

Section 2. Section 13.52.050 of the Lacey Municipal Code is hereby amended to read as follows:

13.52.050 Disposition of sewerage system reimbursement funds after expiration of fifteen-year period.

Those costs required to be paid for properties connecting to the Lacey sewerage system to reimburse private parties for privately financed extensions of the sewerage system shall, after the expiration of the ~~fifteen-year period~~ term set forth in Sections ~~13.52.020 through 13.52.040~~ 13.52.030B, be paid to and retained by the city in the sewerage capital reserve fund created by Chapter 3.45 of this code.

Section 3. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 11TH day of OCTOBER, 2007.

CITY COUNCIL

BY: Virgil R. P. R. R. R.
Mayor

Attest:

Approved as to form:

Carol Litten
City Clerk

[Signature]
City Attorney

Published: OCTOBER 15, 2007

SUMMARY FOR PUBLICATION

ORDINANCE 1292

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on OCTOBER 11, 2007, Ordinance No. 1292, entitled "AN ORDINANCE RELATING TO LATECOMER AGREEMENTS, AMENDING SECTIONS 13.52.030 AND 13.52.050 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance brings the Lacey Municipal Code into compliance with state law by providing that the fifteen year collection period for latecomer agreements may be extended by the city for the duration of any moratorium or other governmental action that prevents the approval of applications for development of properties subject to such agreements.
2. The Ordinance approves this Summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: OCTOBER 15, 2007.