

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2003

AN ORDINANCE relating to storm and surface water, establishing a storm and surface water utility, and adopting a plan and system of storm and surface water sewerage.

WHEREAS, by Resolution No. 1840 passed August 9, 1971, the City Council of Bellevue adopted an express policy to provide control of soil erosion and to retard and abate, wherever possible, siltation and sedimentation as the same affect or tend to affect directly or indirectly, streams and other bodies of water within the City, and

WHEREAS, by Resolution No. 2007 passed August 14, 1972, the City Council of Bellevue adopted the following express policies, among others:

a. To incorporate into all land-use planning and into land-use and development regulations of the City, provisions for adequate storm water and surface water drainage, and for protection of the waters of the City, by development as funds, conditions and opportunities permit, of a storm and surface water drainage system within the City, using streams, lakes, and wetlands as part of such system, with adequate protections provided against pollution of waters by silt and sediment, against erosion of lands and against development of excessive impervious land surfaces without adequate provisions being made for drainage of surface and storm waters; and

b. To so control land development and use that streams, lakes, and wetlands within the City and the lands bordering thereon may be used as a means for control and storage of surface waters and ground waters; and

WHEREAS, hydrology and engineering consultants retained by the City under contract entered into in May, 1973, the technical staff of the City, and a citizens advisory committee known as the Citizens Advisory Committee for Stream Resources created pursuant to Resolution No. 1840 have each made one or more presentations or reports to the City Council; and

WHEREAS, after review of the various presentations made to the City Council, and after public hearing thereon, the City Council reaffirms its policies as expressed in Resolution Nos. 1840 and 2007, and finds specifically that land use and development affecting storm and surface water should be managed, regulated and controlled under unified management of a storm and surface water public utility to reduce or control erosion, sedimentation, and particulate and other pollution of water, danger and damage to life and property, and to protect and encourage the use of natural and efficient man-made means to these ends, and

WHEREAS, it is the desire of the City to incorporate into the proposed utility all surface water courses the title to which is held by the City; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

2003  
2/25/74

Section 1. There is hereby created and established a storm and surface water utility of the City which shall administer the City's storm and surface water public utility. The City elects to exercise all the lawful powers necessary and appropriate to the construction, condemnation and purchase, acquisition, addition to, maintenance, conduct and operation, management, regulation and control of, the storm and surface water public utility described in Section 4 of this ordinance and as the same may hereafter be added to, bettered or extended within or without the present and future limits of the City, including, without limitation, all the lawful powers to fix, alter, regulate and control the rate, charges and conditions for the use thereof.

Section 2. The Director of Public Works shall be ex officio administrator of the City storm and surface water public utility, and shall report directly to the City Manager.

Section 3.

(a) There is hereby specified and adopted the original system or plan of the storm and surface water public utility described as set forth on the map attached as Exhibit A hereto and made a part hereof by this reference, and which shall include all properties, interest, and physical and intangible rights of every kind or nature owned or held by the City, however acquired, insofar as they relate to or concern storm or surface water sewage, further including without limitation, all such properties, interests and rights acquired by adverse possession or by prescription, directly or through another, in and to the drainage or storage, or both, of storm or surface waters, or both, through, under, or over lands, landforms, watercourses, sloughs, streams, ponds, lakes, and swamps, all beginning, in each case or instance, at a point where storm or surface waters first enter the storm or surface water system of the City and ending in each case or instance at a point where such storm or surface waters exit from the storm or surface water system of the City, and in width to the full extent of inundation caused by the largest storm or flood condition.

(b) The City Council expressly finds that the value of the above described original system or plan of storm and surface water public utility is equal to the value of release from primary responsibility therefor insofar as they relate to or concern storm or surface waters. Accordingly, all of the City's above-mentioned facilities and rights, insofar as they relate to or concern storm or surface waters are hereby transferred to and subject to the administration of the storm and surface water utility created by this ordinance, and each institution and department of the City having responsibility therefor is, to the same extent, released from such primary responsibility.

Section 4. Inasmuch as the City now owns all those facilities and rights and the original system or plan set forth in Section 3(a) of this ordinance, there is no estimated cost thereof.

Section 5. If any portion of this ordinance as now or hereafter amended, or its application to any person or circumstances, is held invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any

2003  
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section, provision or part thereof not adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected.

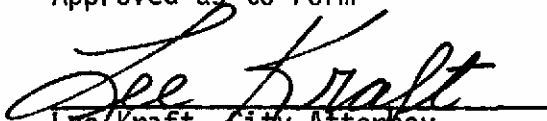
Section 6. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council this 25 day of February, 1974, and signed in authentication of its passage this 25 day of February, 1974.

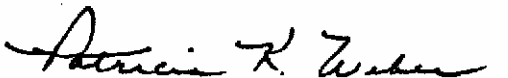
(SEAL)

  
Richard Foreman  
Mayor

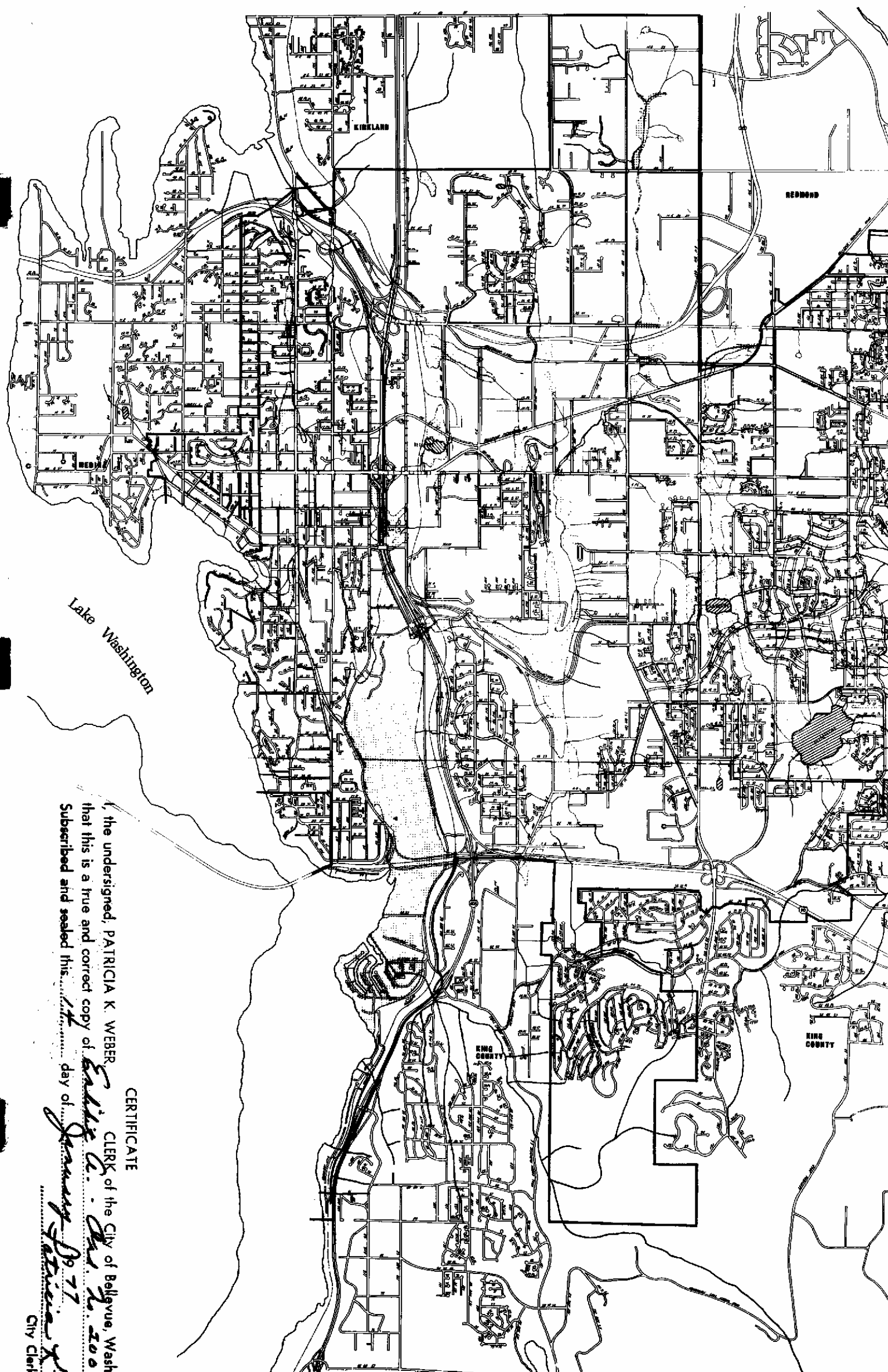
Approved as to Form

  
Lee Kraft, City Attorney

Attest:

  
Patricia K. Weber, City Clerk

Published March 7 - 1974



I, the undersigned, PATRICIA K. WEBER,  
 that this is a true and correct copy of  
 Subscribed and sealed this 14 day of January 1977

**CERTIFICATE**

CLERK of the City of Bellevue, Washington, certify

*Patricia K. Weber*  
 City Clerk

**EXHIBIT B**  
CERTIFICATE OF REFERENCE TO PUBLIC RECORDS  
**CITY OF BELLEVUE DRAINAGE UTILITY SYSTEM :**

**REVISED**

