

2156
11-14-74

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2156

AN ORDINANCE providing for the assumption of outstanding bond issues of King County Water District No. 68, providing for the assumption of all obligations of said District, and authorizing the City Manager to accept all deeds, assignments, bills of sale and other documents necessary for the transfer of the assets of said District to the City.

WHEREAS, under the provisions of Article XI, section 1 of that certain agreement between King County Water District No. 68 (District) and the City of Bellevue (City), dated February 26, 1973, a copy of which has been given Clerks Receiving No. 2345, it is provided that the assets and properties of the District shall be transferred to the City on December 31, 1974, or the effective date of the institution by ordinance of the City of uniform water rates within the territory formerly served by Water District No. 97, Water District No. 68, and those parts of Water District No. 99 served by the City, whichever is the earlier date, provided that at or before the title transfer date, the City shall have agreed to pay or assume all bond issues of the District outstanding at the effective date of said agreement or arising thereafter prior to said title transfer date and to assume all obligations, contractual or otherwise of the district, and

WHEREAS, said abovementioned uniform water rates have been established by City ordinance No. 2151 and by resolution of the District, and

WHEREAS, title transfer can now be accomplished upon agreement by the City to pay or assume all of said bond issues and all of said obligations, and

WHEREAS, authority for such action is given to City under the provisions of Chapter 95, Laws of 1971 (1st Ex. Sess.) (RCW 35.13A); now, therefore

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

Section 1. Effective the title transfer date, the City does hereby assume and agree to pay, in accordance with their terms, all obligations of the District, contingent or non-contingent, contractual or otherwise, outstanding as of the title transfer date, or thereafter incurred incident to the above mentioned agreement or in connection with winding up the affairs of the District.

Section 2. Effective the title transfer date, the City does hereby agree to pay and assume all bond issues of the District outstanding at the effective date of the abovementioned agreement or arising thereafter prior to said title transfer date, and to pay and secure payment of the principal thereof, and the interest thereon, and to perform all bond covenants in accordance with the terms thereof until such bonds, both principal and interest, have been fully paid.

Section 3. The title transfer date is hereby designated to be December 1, 1974 or provision made for such payment in full.

Section 4. The City Manager is hereby authorized and directed to accept, on behalf of the City, any and all deeds, assignments, bills of sale and other documents necessary to accomplish said title transfer, and to execute any and all documents necessary therefore.

Section 5. The King County Treasurer is hereby authorized and directed to pay over to the City on or after the title transfer date, all cash in the maintenance and construction funds of the District, after payment of or provision for payment of all warrants drawn thereon prior to the title transfer date, and to withdraw, pay over and deliver to the City all money in said funds then on deposit in any bank or saving and loan association, or elsewhere, together with all United States bonds or other securities held for investment in said funds.

Section 6. The King County Treasurer is authorized and directed to retain possession, from and after the title transfer date, of the existing Bond Redemption Fund for the outstanding revenue bonds of the District, to be invested or applied to the payment of said bonds, or used in connection with carrying out a plan for the refunding of such bonds, in accordance with the written directions of the City, and is authorized and directed to continue to collect assessments on outstanding utility local improvement district assessment rolls pledged to such bond funds until all of such assessments have been fully paid. The King County Treasurer is further authorized and directed to pay the interest on and principal of all outstanding revenue bonds of the District in accordance with the terms thereof. The City shall pay to the Treasurer the statutory fees provided for such services.


Section 7. There has heretofore been created and established within the Department of Finance of the City of Bellevue a separate and distinct fund known as Water District No. 68 Trust Fund. On and after the title transfer date and until all the outstanding revenue bonds of Water District No. 68 have been fully paid or provision has been made for the payment of the principal of and interest on such bonds, the gross revenues from the Water District No. 68 utility shall be paid into said fund, and from said fund there shall be paid: First, the expenses of maintaining and operating said utility, and second, such amounts as may be required to be transmitted to the King County Treasurer for deposit into the Bond Funds, to supplement the proceeds of Utility Local Improvement District assessments collected by said Treasurer, for payment of outstanding bond obligations of the District.

Section 8. A certified copy of this ordinance shall forthwith be transmitted to the Commissioners of King County Water District No. 68, and to the King County Treasurer.

Section 9. This ordinance shall take effect and be in force five days after its passage, approval and legal publication.

PASSED by the City Council this 18 day of November, 1974, and signed in authentication of its passage this 18 day of November, 1974.

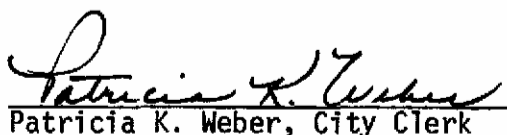
(SEAL)


Richard M. Foreman, Mayor

Approved as to Form


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

Published: Nov. 28, 1974