Ordinance No. 2696
(Amending or Repealing Ordinances)

CFN=200 – Outside Sewer and Water Requests
Passed – 1/20/1987
Outside Utility Service

Amended by Ord. 2953;2767;3671 (formerly Ch. 4 22.10 now 7.11)
ORDINANCE NO. 2676

AN ORDINANCE of the City of Kent, Washington, relating to required covenant of property owners outside the City of Kent receiving utility service from the City of Kent; adopting new Kent City Code Section 4.22.10.

WHEREAS, certain property owners living outside the City of Kent and inside King County are required to have the City of Kent furnish their properties with utility service prior to development; and

WHEREAS, the City of Kent has established a policy whereby utility service can be furnished to property outside the corporate limits of the City if said property is located within the City of Kent's primary sphere of interest for annexation purposes as adopted by the Kent City Council Resolution No. 718-A on April 17, 1972 and amended by Resolution No. 853 on December 4, 1978; and

WHEREAS, extension of utility services beyond city limits is subject to the authority of the King County Boundary Review Board and said Board requires that such extensions be conditioned on annexation or efforts toward annexation;

WHEREAS, RCW 35.67.310 and RCW 35.92.170 authorize every city and town to permit connections of its sewer systems and water work systems beyond its corporate limits and boundaries; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City of Kent will not provide utility services to properties outside the corporate limits of Kent, but within the City of Kent's primary sphere of interest for annexation purposes as adopted by Resolution, unless the property owner covenants and agrees as follows:
1.1 The owner will petition for annexation of the property to the City of Kent and give notice of intent to annex at the time their property is included within any area which is being considered for annexation by the City of Kent under terms and conditions established by the City of Kent through the Public Works Department consistent with the provisions of this Ordinance set forth below.

1.2 The owner understands and agrees that upon annexation the property will be assessed and taxed at the same rate and on the same basis as property within the City is assessed and taxed, and to pay any outstanding indebtedness of the City contracted prior to or existing at the time of annexation.

1.3 The owners agree to design and construct all public improvements to meet or exceed City of Kent subdivision and construction standards. The City of Kent Public Works Department reserves its right to withhold providing sanitary sewer and water service until said public improvements have been constructed in accordance with said standards.

1.4 The owners agree to provide the City of Kent with mylar-reproducible as-built construction drawings of said public improvements prior to initiating building construction on any lot within the proposed subdivision of the property.

1.5 The owners agree that development of the property will create significant impacts on the City including immediate impacts to the City's streets, roads, and traffic system. The owners agree and covenant that they will participate in the cost of constructing required improvements determined to be necessary by the City of Kent. These actions must be completed to the City of Kent's satisfaction prior to the City providing utility service to the subject property.

1.6 The owner shall agree to pay a proportionate share of all costs associated with the construction of said road and traffic system improvements as determined by the City of Kent. The method for determining the owners' contribution toward the construction of said improvements shall be based upon a formula determined by the Director of the Public Works Department.
1.7 Covenants and promises contained in such agreements shall run with the land and shall be binding upon all parties and successors in interest having or acquiring any right, title or interest in the property and improvements described in any agreement.

1.8 The owners agree that should it fail to comply with any of the covenants of any agreements executed with the City of Kent, the City may at its sole discretion terminate the City's utility services.

Section 2. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 20 day of Jan, 1987.
APPROVED the 21 day of Jan, 1987.
PUBLISHED the 23 day of Jan, 1987.

I hereby certify that this is a true copy of Ordinance No. 2696, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK (SEAL)