

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Resolution No. 436 - Authorizing the City Manager to file with the King County Boundary Review Board a Notice of Intent to Assume that Portion of the Ronald Wastewater District Located in King County Erroneously Omitted from the 2014 Notice of Intent
DEPARTMENT:	City Attorney's Office
PRESENTED BY:	Margaret King, City Attorney
ACTION:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The City of Shoreline filed its original Notice of Intent to Assume the Ronald Wastewater District with the King County Boundary Review Board ("BRB") in May 2014, which the BRB approved in September 2014. Unfortunately, it was subsequently discovered that twelve (12) tax parcels in the northwestern portion of the City were erroneously omitted from the legal description of the Ronald Wastewater District prepared by the District. The BRB has determined that the original 2014 approval cannot be amended and, therefore, to include these parcels in the assumption, a new Notice of Intent must be filed.

Thus, the City Attorney is seeking authorization from the City Council to file a new Notice of Intent with the BRB to assume these twelve (12) tax parcels which represent that portion of the Ronald Wastewater District within King County that was erroneously omitted in the prior assumption approval. Proposed Resolution No. 436 (Attachment A) provides for this authorization. Tonight, Council is scheduled to adopt proposed Resolution No. 436.

RESOURCE/FINANCIAL IMPACT:

City Attorney resources will be utilized for this action but, otherwise, fiscal impact is nominal and includes filing fees and expenses. Moreover, given the limited parcels involved and the prior approval of the BRB, the City Attorney's Office does not anticipate that jurisdiction will be invoked for this new Notice of Intent.

RECOMMENDATION

Staff recommends that City Council adopt Resolution No. 436 authorizing the City Manager to file with the King County Boundary Review Board a Notice of Intent to assume that portion of the Ronald Wastewater District that was erroneously omitted from the 2014 assumption approved by the Boundary Review Board. This authorization

would also confer upon the City Manager, or designee, all necessary authority to perform all acts necessary to comply with chapter 36.93 RCW.

Approved By: City Manager ***DT*** City Attorney ***JA-T***

BACKGROUND

In May 2014, pursuant to Ordinance No. 681 and City Council motion, the City filed a Notice of Intent to Assume the Ronald Wastewater District (File No. 2357) with the King County Boundary Review Board ("BRB"). After holding a public hearing, on October 16, 2014, the BRB approved the assumption as to that portion of the Ronald Wastewater District (Ronald) located in King County.

Since that time, the City has been actively working to finalize the assumption of Ronald. However, as the City Council is aware, litigation pertaining to that portion of Ronald within Snohomish County has hampered these efforts and postponed final assumption. During this time, it was also discovered that the legal description provided to the City by Ronald erroneously omitted twelve (12) tax parcels within the northwestern corner of the City (Attachment A, Exhibit A). These tax parcels became part of Ronald in 1985 when King County transferred the Richmond Beach Sewer System to Ronald.

DISCUSSION

The City Attorney's Office contacted the BRB to inquire as to whether an amendment could be made to the 2014 decision or whether a new Notice of Intent for these parcels was required. After consultation with its legal counsel, the BRB determined that a new Notice of Intent was required.

RCW 36.93.090 requires a Notice of Intent to be filed within 180 days of the initiating action. While the City did file a Notice of Intent within this time period, the BRB will be considering the Notice of Intent for the twelve (12) parcels as a new and distinct action. Thus, to ensure compliance with the statute, the City Attorney's Office is recommending adoption of a resolution authorizing a new Notice of Intent to be filed with the BRB. Proposed Resolution No. 436 (Attachment A) provides for this authorization. Tonight, Council is scheduled to adopt proposed Resolution No. 436.

RESOURCE/FINANCIAL IMPACT

City Attorney resources will be utilized for this action but, otherwise, fiscal impact is nominal and includes filing fees and expenses. Moreover, given the limited parcels involved and the prior approval of the BRB, the City Attorney's Office does not anticipate that jurisdiction will be invoked for this new Notice of Intent.

RECOMMENDATION

Staff recommends that City Council adopt Resolution No. 436 authorizing the City Manager to file with the King County Boundary Review Board a Notice of Intent to assume that portion of the Ronald Wastewater District that was erroneously omitted from the 2014 assumption approved by the Boundary Review Board. This authorization would also confer upon the City Manager, or designee, all necessary authority to perform all acts necessary to comply with chapter 36.93 RCW.

ATTACHMENTS

Attachment A: Resolution No. 436

Attachment A, Exhibit A: Map of Parcels

RESOLUTION NO. 436

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, AUTHORIZING FILING WITH THE KING COUNTY BOUNDARY REVIEW BOARD OF A NOTICE OF INTENT TO ASSUME THAT PORTION OF THE RONALD WASTEWATER DISTRICT ERRONEOUSLY OMITTED FROM THE 2014 NOTICE OF INTENT.

WHEREAS, in May 2014, pursuant to Ordinance No. 681 and City Council motion, a Notice of Intent to Assume the Ronald Wastewater District within King County was filed with the King County Boundary Review Board; and

WHEREAS, on October 16, 2014, the Boundary Review Board approved the assumption, denoted as File No. 2357; and

WHEREAS, subsequent to the Boundary Review Board's approval, it was discovered that the legal description provided by the Ronald Wastewater District erroneously omitted twelve (12) tax parcels; and

WHEREAS, the Boundary Review Board requires that the City file a new Notice of Intent to include these omitted parcels in the City's assumption of the Ronald Wastewater District; and

WHEREAS, RCW 36.93.090 requires a Notice of Intent to be filed within 180 days of the City Council's initiating action and, therefore, the prior actions of the City Council cannot support a new filing at this time and new authorization is required;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Notice of Intent to Assume. The City Manager is authorized to file a Notice of Intent to Assume with the King County Boundary Review Board, as required by chapter 36.93 RCW.

Section 2. Compliance with chapter 36.93 RCW. The City Manager, City Attorney, or their designees, have the authority to perform all acts necessary to comply with chapter 36.93 RCW.




ADOPTED BY THE CITY COUNCIL ON APRIL 8, 2019.

Mayor Will Hall

ATTEST:

Jessica Simulcik Smith, City Clerk

Attachment A - Exhibit A Parcels Within City of Shoreline but Outside Ronald Wastewater Legal Description

-  Ronald Wastewater Per Legal
-  Parcels Not Included in Assumption Legal Description
-  City



MAJOR	MINOR	PIN
022603	9035	0226039035
022603	9062	0226039062
022603	9105	0226039105
022603	9106	0226039106
022603	9123	0226039123
022603	9271	0226039271
022603	9312	0226039312
022603	9341	0226039341
022603	9351	0226039351
022603	9353	0226039353
022603	9355	0226039355
022603	9358	0226039358



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