



Legislation Text

File #: 2002-0343, **Version:** 2

Clerk 09/19/2002

AN ORDINANCE relating to the transfer of a portion of Lakehaven Utility District to Highline Water District for the purpose of providing water service to the area known as Cashmere Manor Property Transfer.

STATEMENT OF FACTS:

1. A notice of intention proposing the transfer of a portion of Lakehaven Utility District to Highline Water District for the purpose of providing water service was filed with the county council on July 24, 2002.
2. The parcel intended for transfer is Tax Parcel 3422049143, an eleven-acre parcel known as the Cashmere Manner property.
3. Highline Water District has found the petition for transfer to be sufficient and has concurred with the proposed transfer in Resolution No. 02-4-3B, passed on April 3, 2002.
4. Lakehaven Utility District has found the petition for transfer to be sufficient and has concurred with the proposed transfer in Resolution No. 2002-965 passed on January 24, 2002.
5. Highline Water District issued a determination of nonsignificance on the proposed transfer dated July 10, 2002.
6. King County granted the Lakehaven Utility District a franchise on January 10, 2000, to install, operate and maintain a water utility on King County, road right of ways within the district's water service area under Ordinance 13702. The franchise area included the Cashmere Manner property.
7. Under the assignment provisions of Lakehaven Utility District's utility franchise, the consent

of the Metropolitan King County Council is required for any assignment of the franchise. No assignment shall be effective unless the assignee accepts all rights, conditions, terms, provisions, and responsibilities contained within the franchise and the surety bonds which the council deems necessary to be posted have been received. Any new or modified terms and conditions of the franchise must be approved by the council.

8. The council has not yet approved the assignment of any rights, conditions, terms, or obligations of Franchise 13702 covering the Cashmere Manor property from Lakehaven Utility District to Highline Water District.

9. The utilities technical review committee recommended county council approval of the proposed transfer on August 1, 2002.

10. The county council held a public hearing on September 9, 2002, and has considered the criteria set forth in RCW 57.02.040(3).

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings.** The county council finds that:

A. The proposed action is in compliance with the county's Comprehensive Plan;

B. The proposed action is in compliance with basinwide water or sewage plan, or both, as approved by the state department of ecology and the state department of social and health services; and

C. The proposed action is in compliance with the policies expressed in the county's plan for water or sewage facilities, or both.

SECTION 2. After consideration of the criteria listed in RCW 57.02.040(3), the transfer by Lakehaven Utility District of the area described in Attachment A to this ordinance is consistent with those criteria and is approved subject to the condition set forth in section 4 of this ordinance.

SECTION 3. Highline Water District is the appropriate entity to serve the area proposed to be transferred.

SECTION 4. This transfer by Lakehaven is conditioned upon and will not be effective until an ordinance approving the assignment to Highline Water District of the terms, conditions and responsibilities of Franchise 13702 between Lakehaven Utility District and King County covering the Cashmere Manor property is effective. The clerk of the council is directed to send the required closing letter after the ordinance approving the franchise assignment is effective.

SECTION 5. Pursuant to RCW 57.02.045, this approval is final unless review is taken by the King County boundary review board under chapter 36.93 RCW.

SECTION 6. Completion of this transfer does not constitute county approval or disapproval of any other permits, certifications or actions necessary to provide service to this transferred area.

area paper two consecutive weeks

Posting: outside chambers

Newspapers: Highline News & Federal Way News

Publishing: Wednesdays, August 28 & September 4

Hearing: September 9, 2002