

Ordinance No. 72655

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AN ORDINANCE relating to and authorizing and agreement with the owners of View Ridge Divisions 10 and 11 for connection with the City's sewers in East 65th Street, at Vassar Avenue and Wellesley Way.

Council Bill No. 63878

INTRODUCED JUN 9 1943	BY STREETS & SEWERS
REFERRED: JUN 9 1943	TO STREETS & SEWERS
REFERRED:	
REPORTED: JUN 14 1943	VETO:
SECOND READING: JUN 14 1943	PUBLISHED:
THIRD READING: JUN 14 1943	VETO SUSTAINED:
SIGNED: JUN 14 1943	PASSED OVER VETO:
PRESENTED TO MAYOR: JUN 15 1943	APPROVED: JUN 15 1943
FILED: JUN 15 1943	PUBLISHED:
ENGROSSED:	BY:
VOL. 2 PAGE 461	B. D. N. ✓
COMPARED BY:	

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LeBlond

*Ord - 37457
Agreement 178270-RE-10709*

ORDINANCE NO. 72655

AN ORDINANCE relating to and authorizing an agreement with the owners of View Ridge Divisions 10 and 11 for connection with the City's sewers in East 65th Street, at Vassar Avenue and Wellesley Way.

WHEREAS, Albert Balch and Wedgwood Corporation, the owners of View Ridge Divisions 10 and 11, contiguous to the corporate limits of the City, have requested permission to connect said area to the City's sewer system; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Albert Balch and Edith A. Balch, his wife, and Wedgwood Corporation be, and they are hereby, granted permission, at their own cost and expense, to connect the sewer system of View Ridge Divisions 10 and 11 with the City sewers in East 65th Street at Vassar Avenue and Wellesley Way, on the following terms and conditions, to-wit:

(1) Said connection shall be under the direction and supervision of the City Engineer.

(2) Said permittees, their heirs, successors and assigns shall pay to the City the sum of \$5500.00, the agreed compensation for said connection, unless within three years from the date of acceptance of said permit said View Ridge Divisions 10 and 11 shall be annexed to the City of Seattle.

(3) Prior to the effective date of said permit the permittees shall deliver to the City Comptroller a good and sufficient guaranty company bond executed by a company or companies authorized to transact surety business in the State of Washington in the sum of \$5500.00, to be approved as to form by the Corporation Counsel, guaranteeing the faithful performance of all the terms and conditions of the agreement herein provided for.

Section 2. Upon the filing of the bond herein provided for, the City Engineer is authorized on behalf of the City of Seattle to execute and deliver and secure the proper execution by the permittees

(To be used for all Ordinances except Emergency.)

of an agreement substantially in the form of Exhibit "A" hereto attached. Said agreement shall be executed in quadruplicate, one copy delivered to the permittees, one copy retained by the City Engineer, one copy filed with the County Auditor of King County, Washington, and one copy delivered to the City Comptroller and by him numbered and filed in the records of his office.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed the City Council the 14 day of June, 1943,
and signed by me in open session in authentication of its passage this 14 day of June, 1943.
John E. Brown
President of the City Council.

Approved by me this 15 day of June, 1943.
W. F. DeWitt
Mayor.

Filed by me this 15 day of June, 1943.
H. O. Holmes
Attest:
City Comptroller and Ex-Officio City Clerk.

By J. B. ...
Deputy Clerk.

(SEAL)

Published.....

City Comptroller and Ex-Officio City Clerk.

By.....
Deputy Clerk.

EN 2-40 GATEWAY

EXHIBIT "A"

PERMIT AGREEMENT

THIS AGREEMENT, entered into by and between THE CITY OF SEATTLE, a municipal corporation of the State of Washington, hereinafter called the "City", and ALBERT BALCH and _____ BALCH, his wife, and WEDGWOOD CORPORATION, a corporation, hereinafter called the Permittees", WITNESSETH:

1. That the City hereby grants to the Permittees permission to connect the sewer system of View Ridge Divisions 10 and 11, King County, Washington, with the City sewer in East 65th Street, at Vassar Avenue and Wellesley Way, on the following terms and conditions, to-wit:

A. Permittees agree to pay to the City the sum of \$5500.00, the agreed compensation for said connection, unless within three years from the date hereof said View Ridge Divisions 10 and 11 are annexed to the City of Seattle, in which event no fee shall be payable for said connection.

B. Said connection shall be at the sole cost and expense of the Permittees and under the direction and supervision of the City Engineer of the City.

2. As further consideration for this permit, Permittees have this day filed with the City an indemnity bond conditioned for faithful performance by the Permittees of all the terms and conditions of this agreement, and guaranteeing the payment of the agreed compensation, in the event same shall become due and payable.

3. It is agreed by and between the parties hereto that this agreement shall be, and is, a covenant running with the land and the agreements and covenants herein to be binding on the Permittees and all persons subsequently acquiring any right, title or interest in and to the said View Ridge Divisions 10 and 11.

4. Permittees agree that no property outside the limits of the City other than View Ridge Divisions 10 and 11 shall be permitted to connect with this sewer system, without similar permission by ordinance of the City Council, and that no street or surface drainage shall be permitted to enter the system.

5. It is further agreed by and between the parties hereto that in the event the terms and conditions hereof are not kept and performed the City may at its option cancel this permit and in the event of such cancellation the Permittees will, at their cost and expense, disconnect said sewers, and in the event of their failure so to do the City may disconnect the same and in that event the Permittees agree to reimburse the City for all costs and expenses of such disconnection.

IN WITNESS WHEREOF, the City has caused this agreement to be executed by its City Engineer, thereunto duly authorized pursuant to Ordinance No. _____, the individual Permittees have duly executed same and the corporate Permittee has caused same to be executed by its officers thereunto duly authorized this _____ day of _____, 1943.

THE CITY OF SEATTLE

By: _____
City Engineer.

Accepted this _____ day of _____, 1943.

WEDGWOOD CORPORATION

By: _____
President.

ATTEST:

Secretary.

ASSISTANT CORPORATION COUNSEL
J. ANDLER NEWTON
GLEN E. WILSON
JOHN E. SANDERS
JOHN A. HOMER
GEORGE T. McSILLIVRAY
ARTHUR SCHRANK
E. A. SWIFT, JR.

CITY ATTORNEY
BRUCE MACDOUGALL

THE CITY OF SEATTLE LAW DEPARTMENT

A. C. VAN SOELEN, CORPORATION COUNSEL

CHIEF CLERK
R. B. McCLINTON

SECRETARY
RUTH GRIFFIN

CLAIM AGENT
JOHN F. COOPER

June 10, 1943.

M. B. Mitchell, Chairman,
Streets and Sewers Committee,
City Council,
Seattle, Washington.

Dear Sir:

Pursuant to your request we have re-drafted page 2 of Exhibit "A" of Council Bill No. 63878 so as to add the requirement that no street or surface drainage shall be permitted to enter said sewer system.

Said Council Bill No. 63878, which accompanied your request, is returned herewith.

Yours truly,

A. C. VAN SOELEN,
Corporation Counsel,

By:



GLEN E. WILSON,
Assistant.

GEW:AP
Enc.

June 9, 1943

Honorable A. C. Van Soelen
Corporation Counsel
City of Seattle

Dear Sir:

I am forwarding herewith C.B. 63878, An Ordinance relating to and authorizing an agreement with the owners of View Ridge Divisions 10 and 11 for connection with the City's sewers in East 65th Street, with the request that you amend said Council Bill to add "and that no street or surface drainage shall be permitted to enter the system."

Very truly yours,

H. B. (Mike) Mitchell
Chairman
Streets & Sewers Committee

TW
Enc.

ASSISTANT CORPORATION COUNSEL
J. AMBLER NEWTON
OLEN E. WILSON
JOHN E. SANDERS
JOHN A. HOWER
GEORGE T. McBILLIVRAY
ARTHUR SCHRAMM
E. A. SWIFT, JR.

THE CITY OF SEATTLE LAW DEPARTMENT

CHIEF CLERK
R. S. McCLINTON
SECRETARY
RUTH GRIFFIN
CLAIM AGENT
JOHN F. COOPER

CITY ATTORNEY
BRUCE MACDOUGALL

A. C. VAN SOELEN, CORPORATION COUNSEL

June 8, 1943.

RE: Sewer connection agreement.

John E. Carroll, Chairman,
Streets and Sewers Committee,
City Council,
Seattle, Washington.

Dear Sir:

You have requested the preparation of a Council Bill authorizing Albert Balch, et al., owners of View Ridge Divisions 10 and 11, to connect with the City's sewer system. You have also transmitted a bond executed by Albert Balch and Wedgwood Corporation, as principals, and United Pacific Insurance Company, as surety, to the effect that if said Divisions 10 and 11 are not annexed to the City of Seattle within three years Mr. Balch is to pay the City the sum of \$5500.00 as full satisfaction for said sewer connection, otherwise no fee shall be payable.

We can not approve the bond transmitted either as to form or as to substance and return same herewith. We have, however, prepared and herewith transmit proposed ordinance authorizing an agreement with Albert Balch, and wife, and Wedgwood Corporation for connection with the City's sewer in East 65th Street, at Vassar Avenue and Wellesley Way, which agreement provides that the Permittees shall pay to the City three years from date of said permit the sum of \$5500.00 as the agreed fee for said connection, unless within said three year period the area shall have been annexed to the City, in which event no fee shall be payable. Said ordinance further provides for the filing of an indemnity bond guaranteeing faithful performance of said agreement and the payment of said \$5500.00.

As further security to the City we have provided that said agreement shall be a covenant running with the land and binding upon the heirs, successors and assigns of the Permittees and all persons subsequently acquiring any right, title or interest in and to any of the property in View Ridge Divisions 10 and 11, and provided for the filing of a copy thereof with the County Auditor. A new bond conforming to the proposed ordinance will be necessary.

John E. Carroll

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6-8-43

We suggest you examine the proposed ordinance and agreement carefully in order to ascertain whether it conforms to the desires of the Council.

Yours very truly,

A. C. VAN SOELEN,
Corporation Counsel,

By: *Glen E. Wilson*

GLEN E. WILSON,
Assistant.

GEW:klm
CC: City Engineer.