

ORDINANCE NO. 03-452

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, CREATING LAKE MANAGEMENT DISTRICT NUMBER 1 FOR STEEL LAKE AND SETTING A PUBLIC HEARING ON THE ASSESSMENT ROLL FOR THE DISTRICT.

WHEREAS, Lake Management District Number 1 for Steel Lake is created for the purpose of generating revenue to provide ongoing aquatic vegetation management, community education, and other related projects,

WHEREAS, on May 6, 2003, the City of Federal Way City Council passed Resolution Number 03-384 declaring its intent to form a Lake Management District Number 1 for Steel Lake; and

WHEREAS, the City of Federal Way City Council conducted a public hearing on June 17, 2003, for the purpose of accepting testimony in support of and in opposition to the creation of the Steel Lake Management District. At the public hearing, testimony was provided by Steel Lake Committee members and interested citizens; and

WHEREAS, on July 1, 2003, the City of Federal Way City Council passed Resolution Number 03-386, submitting the question of creation of Lake Management District Number 1 for Steel Lake to the owners of property within the proposed lake management district including owners of publicly owned land; and

WHEREAS, under RCW 36.61.090, a simple majority of the votes cast shall determine whether the proposed lake management district shall be approved or rejected; and

WHEREAS, the ballots were tabulated on August 15, 2003, and the proposal to create a Lake Management District Number 1 for Steel Lake has been approved by at least a simple majority of the votes cast; and

WHEREAS, the ballots cast are available for public inspection at City of Federal Way, 33530 1st Way South, Federal Way, Washington;

WHEREAS, the City of Federal Way desires to create Lake Management District Number 1 for Steel Lake and proceed with special assessments and performing lake improvement activities;

WHEREAS, the City of Federal Way completed the Steel Lake Aquatic Plant Management Plan in December of 1995 and updated this plan in April of 2003 (renamed the Steel Lake Integrated Aquatic Vegetation Management Plan) (the "Plan"); and

WHEREAS, the hearing notice requirements of RCW 36.61 will provide an opportunity to evaluate the assessment role for each property within the district.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY DOES ORDAIN AS FOLLOWS:

Section 1. Creation of District. Lake Management District Number 1 for Steel Lake is hereby created. The boundaries of Lake Management District Number 1 for Steel Lake are represented in Exhibit A, incorporated by this reference. The duration of the district shall be for ten (10) years, from January 1, 2004 through December 31, 2013. Special assessments totaling \$13,598 will be collected annually to finance the District activities, with the total amount to be collected during the life of the District being \$166,440, which includes an automatic inflation increase based upon the Seattle Consumer Price Index not to exceed five percent in any given year. The special assessments will be imposed based on equal charges for similar parcels.

Undeveloped parcels will be charged \$30 per year. Single family developed parcels will be charged \$85 per year. The multi-family parcels will be charged \$275 per year. The City of Federal Way parcel will be charged \$2,048 per year. The Department of Fish and Wildlife parcel will be charged \$3,500 per year.

Section 2. Publication. Within ten (10) days of adoption of this Ordinance, the City of Federal Way shall publish in a newspaper of general circulation in Lake Management District Number 1 for Steel Lake a notice indicating that this Ordinance has been adopted.

Section 3. Creation of District Limitations on Appeals. Pursuant to RCW 36.61.110, no lawsuit may be maintained challenging the jurisdiction of authority of the City of Federal Way's legislative authority to proceed with lake improvement and maintenance activities and creating the lake management district, or in any way challenging the validity of the actions or decisions or any proceedings relating to the actions or decision unless the lawsuit is served and filed no later than forty (40) days after publication of a notice that the ordinance has been adopted ordering the lake improvement and maintenance activities and creating the lake management district. Written notice of the appeal shall be filed with the City Council and clerk of the Superior Court in King County.

Section 4. Special Assessment Roll to be Prepared. Upon passage of this Ordinance, the City of Federal Way shall cause to be prepared a proposed special assessment roll in accordance with RCW Chapter 36.61.

Section 5. Public Hearing. A public hearing will be held by the Federal Way City Council on November 18, 2003 at 7:00 PM or shortly thereafter at the City of Federal Way City Hall, 35530 1st Way South, Federal Way, Washington. At the public hearing, the City of Federal Way City Council will consider the objections to the special assessment roll of the district, shall act as

a board of equalization, and may correct, revise, raise, lower, change, or modify the special assessment roll or any part thereof, or set the proposed special assessment roll aside and order a new proposed special assessment role be prepared. The City of Federal Way City Council shall confirm and approve a special assessment roll by adoption of a resolution. Notice of the proposed special assessment, the procedure for filing written objections thereto, and notice of the public hearing shall be mailed to the taxpayers of record of all property within the district by the City of Federal Way pursuant to RCW 36.61.140.

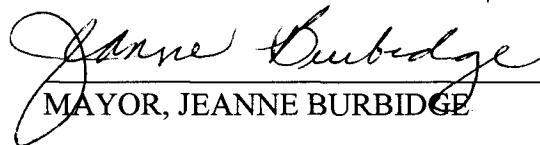
Section 6. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of the resolution is hereby ratified and affirmed.

Section 8. Effective Date. This ordinance shall be effective five days after passage by the Federal Way City Council.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF FEDERAL WAY,
WASHINGTON, this 21st day of October, 2003.

CITY OF FEDERAL WAY


MAYOR, JEANNE BURBIDGE

ATTEST:


CITY CLERK, N. CHRISTINE GREEN, CMC

APPROVED AS TO FORM:



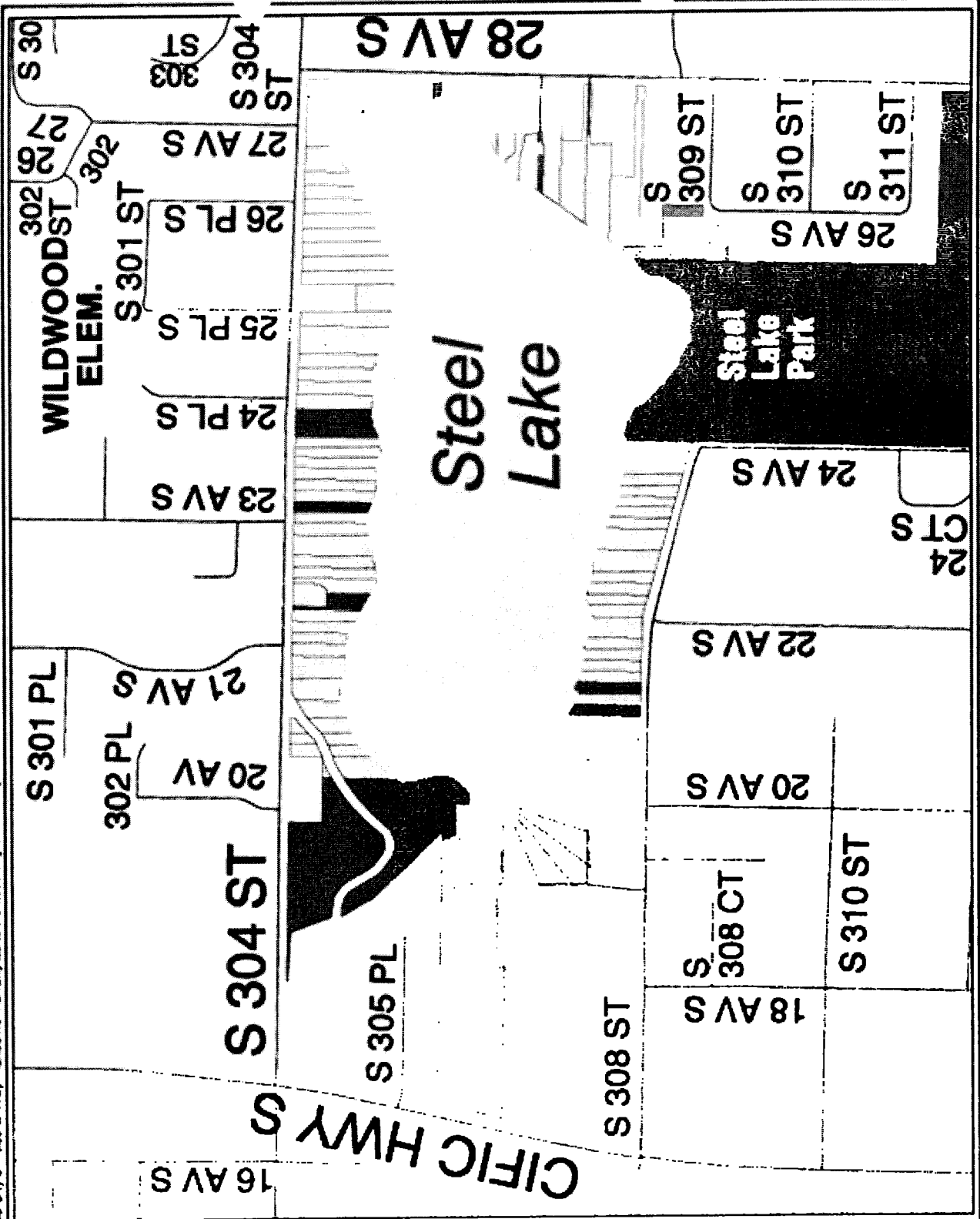
PATRICIA A. RICHARDSON, CITY ATTORNEY

FILED WITH THE CITY CLERK: 10/01/03
PASSED BY THE CITY COUNCIL: 10/21/03
PUBLISHED: 10/25/03
EFFECTIVE DATE: 10/26/03
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EXHIBIT A

Boundary of Lake Management District Number One for Steel Lake

Land Information Data: 001. This information may have changed since data was generated. Total basin area includes may include areas outside the city. The City of Federal Way makes no warranty as to the accuracy of this map.



Proposed Steel Lake Management District

Basin: LPSB Sub-basin Code: CPR

- City Owned
- State Owned
- Vacant
- Multi-Family
- Single Family

Scale: 0 230 460 Feet

