

CITY OF MAPLE VALLEY, WASHINGTON

ORDINANCE O-11-474

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AMENDING CHAPTER 16.50, STREET ASSESSMENT REIMBURSEMENT AGREEMENTS, WITHIN TITLE 16 OF THE MAPLE VALLEY MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted a new Chapter 16.50, Street Assessment Reimbursement Agreements on March 28, 2011; and

WHEREAS, the City Council desires to amend Section 16.50.100 to require that the City Council adopt an ordinance upon approval, of an assessment reimbursement area pursuant to *Woodcreek Land Ltd. v. City of Puyallup*, 69 Wash.App. 1, 847 P.2d 501 (1993);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Section Amended. Section 16.50.100 within Chapter 16.50, Street Assessment Reimbursement Agreements, of the Maple Valley Municipal Code is hereby amended.

16.50.100 City Council action.

If any owner of property within the proposed assessment reimbursement area requests a hearing in writing within twenty (20) days of the mailing of the preliminary determination, a hearing shall be held before the City Council, notice of which shall be given to all affected property owners in addition to the regular notice requirements specified by this code, the cost of which shall be borne by the applicant. At a hearing the City Council shall take testimony from affected property owners and make a final determination of the area boundaries, the amount of assessments, length of time for which reimbursement shall be required and shall authorize the execution of appropriate documents. The City Council's ruling of these matters is determinative and final, and if approved, the special assessment district and associated assessments will be adopted by ordinance. If no hearing is requested, the City Council may consider and take final action on these matters at any public meeting twenty (20) days after notice was mailed to the affected property owners.

Section 2. Severability. If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

[Signatures of follow on next page.]


Section 3. Effective Date. A summary of this ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after adoption and publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY,
WASHINGTON ON THIS 14th DAY OF NOVEMBER, 2011.



Noel T. Gerken, Mayor

ATTEST:



Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:



Christy A. Todd, City Attorney

Date of Publication: November 22, 2011

Effective Date: November 27, 2011