RESOLUTION NO. 17-0370


WHEREAS, The City of Edgewood entered into an Interlocal Agreement, in accordance with RCW 39.34, on January 23, 2007 with then, Lakehaven Utility District (LUD), to accept, convey and treat sewage from residential and non-residential property lying within the City; and

WHEREAS, four additional properties, identified as Pierce County tax parcels #0420102018, #0420102037, #0420103132 and #0420032004 were four properties included within the boundaries of the City of Edgewood’s Local Improvement District #1, in accordance, generally, with the City’s approved General Sewer Plan, but were not included within the boundaries of the map within the original Interlocal Agreement agreed to with LUD, identified herein as Exhibit C; and

WHEREAS, the City’s approved General Sewer Plan states that Phase I Core areas and selected Phase II areas would be

WHEREAS, On October 6, 2016, Lakehaven Utility District (LUD) officially changed its name to Lakehaven Water and Sewer District (LWSD); and

WHEREAS, the City of Edgewood has approached Lakehaven Water and Sewer District for the inclusion of these properties within the service area and have revised the map to include these properties shown in Exhibit C-1, with the desire to include these properties under the terms and conditions as outlined in the signed, January 23, 2007 Interlocal Agreement between the City of Edgewood and Lakehaven Water and Sewer District; and

WHEREAS, the City Attorney has drafted a first amendment to the Interlocal Agreement that was signed in January 2007, that includes these proposed service area revisions and has been included herein as Exhibit A;

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

Section 1. (First Amendment to Interlocal Agreement). A Resolution authorizing the Mayor to sign the first amendment to the 2007 Interlocal Agreement between the City of Edgewood and the Lakehaven Water and Sewer District, for services associated with accepting, conveying, and treating sewage for specified properties within the City of Edgewood, as outlined with the agreement. Current Sewer Service Area
Map, Exhibit C, Proposed Sewer Service Area Map, Exhibit C-1 and First Amendment to Interlocal Agreement, Exhibit A.

Section 2. Effective Date. This resolution will take effect immediately upon passage by the City Council.

ADOPTED THIS 9TH DAY OF MAY, 2017

Daryl Eisinger, Mayor

ATTEST:

Rachel Pitzel, City Clerk
FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF EDGEWOOD AND LAKEHAVEN WATER AND SEWER DISTRICT

Section 1. Date and Parties.

This document ("First Amendment"), is dated the 24th day of May 2017, and is entered into by and between the CITY OF EDGEWOOD, a Washington municipal corporation ("City") and the LAKEHAVEN WATER AND SEWER DISTRICT (Formally Lakehaven Utility District), a Washington municipal corporation ("LWSD"). This First Amendment modifies the Agreement between City of Edgewood and Lakehaven Water and Sewer District dated January 23rd, 2007 (the "2007 Agreement").

Section 2. General Recitals.

A. In the 2007 Agreement, the City and LWSD agreed that because LWSD operates sewer facilities near the northern boundary of the City, that LWSD would allow properties within the City to connect and discharge sewage for treatment by LWSD, under the terms and conditions set forth in that 2007 Agreement; and

B. The properties served by LWSD as provided in the 2007 Agreement were depicted in the map attached to that 2007 Agreement as Exhibit C;

C. Four properties, identified as Pierce County tax parcels #0420102018, #0420102037, #0420103132 and #0420032004 were properties included within the boundaries of the City of Edgewood's created Sanitary Sewer Local Improvement District #1, in accordance, generally, with the City's General Sewer Plan (Ecology approved 2007), but these properties were not included within the boundaries of the map within the original Interlocal Agreement for servicing this system, agreed to with LWSD;

D. The parties have agreed to amend Exhibit C in the 2007 Agreement by substituting the Exhibit C-1 attached hereto, which shows the additional properties to be included in the City Sewer Service Area Served by LWSD.

Section 3. Amendment to 2007 Agreement. Section 2 references Exhibit C, which is the City Sewer Service Area Served by LWSD under the 2007 Agreement. The parties hereto agree that Exhibit C shall be eliminated and replaced by Exhibit C-1, which is attached to this First Amendment and incorporated herein.

Section 4. Other Terms Unchanged. All other terms of the 2007 Agreement remain unchanged and enforceable. This First Amendment is intended to modify the terms and
conditions of the Agreement only insofar as such modifications are set forth in this First Amendment. In the case of any conflict between the terms of the 2007 Agreement and the terms of the First Amendment, the provisions of the First Amendment shall control.

DATED: This __ day of ___, 2017.

CITY OF EDGEWOOD
By: __________________________
   Daryl Eldinger
   Its: Mayor
   Date: ________________________

ATTEST:

Rachel Pitzel, City Clerk

LAKEHAVEN WATER AND SEWER DISTRICT
By: __________________________
   Printed Name: __________________
   Its: __________________________
   Date: ________________________

APPROVED AS TO FORM:

Carol Morris, City Attorney

LWSD Attorney
EXHIBIT C
MAP OF THE ORIGINAL CITY SEWER SERVICE AREA SERVICED BY LUD

ORIGINAL AREA SERVED BY LUD SR-161 CORRIDOR

Federal Way

Milton

Potential Expansion Parcels

Edgewood