

RESOLUTION NO. 24-03
CITY OF BUCKLEY, WASHINGTON

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON APPROVING A LATECOMERS AGREEMENT BETWEEN THE CITY AND HC HOMES, INC. FOR PARTIAL REIMBURSEMENT FOR THE COST OF CONSTRUCTING A REQUIRED PUBLIC UTILITY IMPROVEMENT.

WHEREAS, the Buckley Municipal Code and the State Environmental Policy Act may require private development to make infrastructure improvements; and

WHEREAS, Chapter 35.91 RCW provides that, at the owner's request, a municipality must contract with the owner of real estate for the construction or improvement of water or sewer facilities that the owner elects to install solely at the owner's expense. The owner must submit a request for a contract to the municipality prior to approval of the water or sewer facility by the municipality; and

WHEREAS, BMC 14.14 describes the process for a property owner or developer to request the execution of a latecomer agreement with the City Council for water, sewer and/or stormwater facilities to provide for the partial reimbursement of the cost of constructing the water, sewer and/or stormwater natural gas facilities; and

WHEREAS, HC Homes, Inc. completed construction and extension of sewer utilities along Spiketon Road to the Lukes Landing Subdivision located at 790 Spiketon Road, Buckley, WA 98321 at the applicant's expense; and

WHEREAS, as a result of installing this required improvement HC Homes, Inc. submitted a proposed latecomers agreement, including a description of the methodology and the pro rata share for each property to the City seeking to be partially reimbursed for the cost of constructing the improvement; and

WHEREAS, the City accepted the sewer improvements as complete on March 25, 2024; and

WHEREAS, the City Engineer reviewed and approved the method of assessment and cost of construction on March 25, 2024; and

WHEREAS, appropriate notices were sent to all affected property owners via certified mail on March 26, 2024; and

WHEREAS, the City Council provided notice of a public hearing on April 3, 2024 and on April 10, 2024, and conducted a public hearing on the proposed latecomer's agreement on April 23, 2024; and

NOW THEREFORE BE IT RESOLVED the City Council of the City of Buckley hereby approves the Lukes Landing Sewer Latecomers Agreement with Exhibits attached hereto and incorporated by this reference as if set forth in full.

Introduced, passed and approved this 11th day of June, 2024.



Beau Burkett, Mayor

ATTEST:



Treva Zumeck, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

Posted: _____, 2023