

**CITY OF GRANITE FALLS
GRANITE FALLS, WASHINGTON
ORDINANCE NO. 942-2018**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON AMENDING CHAPTER 13.24 DEVELOPER REIMBURSEMENT AGREEMENTS TO COMPLY WITH CHAPTER 35.91 RCW BY AMENDING 13.24.060, RIGHTS AND NONLIABILITY OF CITY, 13.24.070 TERM OF DEVELOPMENT REIMBURSEMENT AGREEMENTS AND 13.24.120 PAYMENTS OF DEVELOPER REIMBURSEMENT CHARGE

WHEREAS, substantial residential growth may occur in the City and developers may seek reimbursement for utility improvements; and

WHEREAS, RCW Chapter 35.91 was amended in 2013; and

WHEREAS, city code needs to be updated to conform to the 2013 amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Granite Falls Municipal Code Section 13.24.060 “Rights and nonliability of city” is hereby amended to read as follows:

~~The city reserves the right to refuse to enter into any developer reimbursement agreement or to reject any application thereof. A Developer shall be entitled to reimbursement by agreement as provided by Chapter 35.91 RCW and this chapter of city code.~~ All applicants for developer reimbursement agreements shall be required to provide a written release, indemnification and hold harmless agreement releasing and indemnifying the city from all claims of any nature including property damage and personal injury arising out of the execution, establishment, enforcement and implementation of such agreement including claims arising during the course of construction and during the one-year warranty period following acceptance of the improvements by the city. Such indemnification shall include attorney fees and costs reasonably incurred in the defense of such action. The city shall not be responsible for locating any beneficiary or survivor entitled to benefits under the developer reimbursement agreement. Any collected funds not claimed by the developer prior to the expiration of a developer reimbursement agreement shall revert to the benefit of the appropriate utility and/or fund approved by the city council.

Section 2. Granite Falls Municipal Code Section 13.24.070 “Term of developer reimbursement agreements” is hereby amended to read as follows:

~~No~~ Developer reimbursement agreements shall extend for a period of 20 years and may

be extended as authorized by Chapter 35.91 RCW, longer than 15 years from the date of the agreement.

Section 3. Granite Falls Municipal Code Section 13.24.120 “Payments of developer reimbursement charge” is hereby amended to read as follows:

(A) Each payment of the developer reimbursement charge shall be made to the city. The city shall pay the amounts due the developer within 60 days.

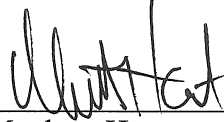
(B) Throughout the term of the agreement the developer shall certify bi-annually in January the name(s) and address(es) of the beneficiary of any reimbursement charge. The city is not responsible for locating beneficiaries to benefits under any agreement. Failure to receive the bi-annual certification required under this subsection shall give the city cause to refuse to make payment under the agreement. The developer may not assign any rights under the reimbursement agreement without the written consent of the city which will not be unreasonably withheld. Absent certification as required in this subsection, City may collect the reimbursement charge and deposit the same in the city’s capital improvement fund.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 5. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

ADOPTED by the City Council and APPROVED by the Mayor this 3rd day of Jan., 2018

CITY OF GRANITE FALLS



Matthew Hartman, Mayor

ATTEST:



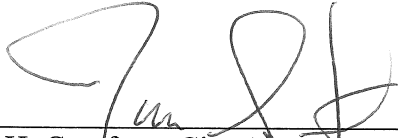
Darla Reese, City Clerk

APPROVED AS TO FORM:

ORDINANCE NO.

GF-17-001/ard amending latecomer 13.24 171227

Page 2 of 3



Thom H. Graafstra, City Attorney

Date of Publication: Jan. 6, 2018
Effective Date: Jan. 11, 2018