

RESOLUTION NO. 2020-02 Rev 1
AN AMENDED RESOLUTION OF PIERCE COUNTY DRAINAGE DISTRICT 21 FOR
WITHDRAWAL OF THE AREA WITHIN CITY OF EDGEWOOD BOUNDARIES

WHEREAS, RCW 85.38.213 states “a special district may withdraw area from its boundaries that is located within the boundaries of a city or town...”; and

WHEREAS, RCW 85.38.213 also states that the withdrawal shall result in the “...(a) adoption of a resolution by the special district requesting withdrawal of the area from the district; (b) adoption of a resolution by the city or town council approving the withdrawal of the special district from the area; (c) assumption by the city or town of full responsibility for the maintenance, improvements, and collection of payment for the operation of the system previously operated by the special district in the area; (d) transfer by the special district of all rights-of-way or easements in the area to the city or town by quit claim or deed; and (e) adoption of an interlocal agreement between the special district and the city or town that reimburses the special district for lost assessment revenue from the withdrawn area, that transfers any facilities or improvements owned by the special district to the city or town as agreed between the parties, and that requires the city or town to maintain existing water runoff and water quality levels in the area.”; and

WHEREAS, the City of Edgewood Resolution No. 20-0504, passed unanimously by Edgewood’s City Council on May 12, 2020, is an MOU (Memorandum of Understanding) that details the City’s eventual takeover of all Pierce County Drainage District 21’s (the District) conveyances contained within the City’s boundaries along with two negotiated ILA’s (Interlocal Agreements) for small portions contained within City of Puyallup and Pierce County boundaries; and

WHEREAS, the City of Edgewood Resolution No. 20-0504 has resulted in providing the Interlocal Agreement (ILA), as required by RCW 85.38.213(1)(e), between the District and the City of Edgewood; and

WHEREAS, the District has provided the City of Edgewood with a Declaration on Prescriptive Easements supporting the District’s ability to access and maintain all conveyances without Dedicated Easements since the District has existed for more than 10 years; and

WHEREAS, the District acknowledges the evidence of double taxation as it relates to its own annual taxation and the Stormwater Utility taxation; and

WHEREAS, the District has previously made attempts to secure volunteers for becoming Commissioners resulting in no responses; NOW THEREFORE,

BE IT RESOLVED, that Pierce County Drainage District 21 (the District) shall withdraw the area within the City of Edgewood boundaries effective January 1, 2021; and

BE IT FURTHER RESOLVED, that the District shall no longer assess parcels for taxation within the City of Edgewood boundaries effective January 1, 2021; and

BE IT FURTHER RESOLVED, that the District shall no longer be responsible for conveyance and all other related maintenance responsibilities within the City of Edgewood boundaries effective January 1, 2021; and

BE IT FURTHER RESOLVED, that the District accepts and approves the City of Edgewood's Interlocal Agreement as required by RCW 85.38.213(1)(e); and

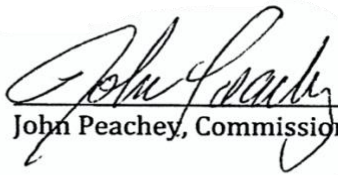
BE IT FURTHER RESOLVED, that the District accepts and approves the Declaration on Prescriptive Easements; and

BE IT FURTHER RESOLVED, that the City of Edgewood shall defend, indemnify and hold the District, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the performance of this Resolution or in any way relating to this Resolution, except for injuries and damages caused by the sole negligence of the District.

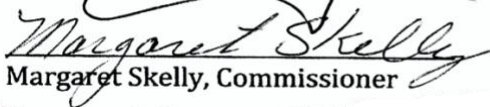
ADOPTED by the Board of Commissioners this 5th day of August, 2020.



Doug Skelly, Commissioner



John Peachey, Commissioner



Margaret Skelly, Commissioner