

ORDINANCE NO. 712

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, CREATING LAKE MANAGEMENT DISTRICT NUMBER 1 FOR AMERICAN LAKE AND SETTING A PUBLIC HEARING ON THE ASSESSMENT ROLL FOR THE DISTRICT.

WHEREAS, Lake Management District Number 1 for American Lake is created for the purpose of generating revenue to provide ongoing aquatic vegetation management, community education, and other related projects,

WHEREAS, on April 1, 2019, the Lakewood City Council passed Resolution Number 2019-08 declaring its intent to form a Lake Management District Number 1 for American Lake; and

WHEREAS, the Lakewood City Council conducted a public hearing on April 22, 2019, for the purpose of accepting testimony in support of and in opposition to the creation of the American Lake Management District. At the public hearing, testimony was provided by American Lake Committee members and interested citizens; and

WHEREAS, on May 6, 2019, the Lakewood City Council passed Resolution Number 2019-09, submitting the question of creation of Lake Management District Number 1 for American Lake to the owners of property within the proposed lake management district including owners of publicly owned land; and

WHEREAS, under RCW 36.61.090, a simple majority of the votes cast shall determine whether the proposed lake management district shall be approved or rejected; and

WHEREAS, the ballots were tabulated on May 29, 2019, and the proposal to create a Lake Management District Number 1 for American Lake has been approved by at least a simple majority of the votes cast; and

WHEREAS, the ballots cast are available for public inspection at City of Lakewood, Public Works Engineering Director's Office, 6000 Main St SW, Lakewood, Washington, 98499; and

WHEREAS, the City of Lakewood desires to create Lake Management District Number 1 for American Lake and proceed with special assessments and performing lake improvement activities; and

WHEREAS, the City of Lakewood completed the American Lake Integrated Aquatic Vegetation Management Plan in 2018; and

WHEREAS, the hearing notice requirements of RCW 36.61 will provide an opportunity to evaluate the assessment role for each property within the district.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Creation of District. Lake Management District Number 1 for American Lake is hereby created. The boundaries of Lake Management District Number 1 for American Lake are represented in Exhibit A, incorporated by this reference. The duration of the district shall be for ten (10) years, from June 3, 2019 through June 2, 2028. Special assessments totaling \$23,766.26 will be collected annually to finance the District activities, with the total amount to be collected during the life of the District being \$237,663. All parcels will be charged \$0.66/foot of lakefront property.

Section 2. Publication. Within ten (10) days of adoption of this Ordinance, the City of Lakewood shall publish in a newspaper of general circulation in Lake Management District Number 1 for American Lake a notice indicating that this Ordinance has been adopted.

Section 3. Creation of District - Limitations on Appeals. Pursuant to RCW 36.61.110, no lawsuit may be maintained challenging the jurisdiction of authority of the City of Lakewood's legislative authority to proceed with lake improvement and maintenance activities and creating the lake management district, or in any way challenging the validity of the actions or decisions or any proceedings relating to the actions or decision unless the lawsuit is served and filed no later than forty (40) days after publication of a notice that the ordinance has been adopted ordering the lake improvement and maintenance activities and creating the lake management district. Written notice of the appeal shall be filed with the City Council and clerk of the Superior Court in Pierce County.

Section 4. Special Assessment Roll to be Prepared. Upon passage of this Ordinance, the City of Lakewood shall cause to be prepared a proposed special assessment roll in accordance with RCW Chapter 36.61, listing (1) each separate lot, tract, parcel of land, or other property in the lake management district; (2) the acreage of such property, and the number of feet of lake frontage, if any; (3) the name and address of the owner or reputed owner of each lot, tract, parcel of land, or other property as shown on the tax rolls of the county assessor; and (4) the special assessment proposed to be imposed on each lot, tract, parcel of land, or other property, or the annual special assessments proposed to be imposed on each lot, tract, parcel of land, or other property

Section 5. Notice. Notice of the original public hearing on the proposed special assessment roll, and any public hearing held as a result of raising special assessments or

including omitted property, shall be published and mailed to the owner or reputed owner of the property as provided in RCW 36.61.040 for the public hearing on the formation of the lake management district by 1) publishing the notice in at least two consecutive issues of a newspaper of general circulation in the proposed lake management district; 2) mailing the notice to the owner or reputed owner of any lot, parcel of land, or other property within the proposed district, at least fifteen days before the date of the public hearing; and 3) mailing the notice to the departments of fish and wildlife, natural resources, and ecology at least fifteen days before the date fixed for the public hearing.

The notice need only provide the total amount to be collected by the special assessment roll and shall state that: (1) a public hearing on the proposed special assessment roll will be held, giving the time, date, and place of the public hearing; (2) the proposed special assessment roll is available for public perusal, giving the times and location where the proposed special assessment roll is available for public perusal; (3) objections to the proposed special assessment must be in writing, include clear grounds for objections, and must be filed prior to the public hearing; and (4) failure to so object shall be deemed to waive an objection.

Notices mailed to the owners or reputed owners shall additionally indicate the amount of special assessment ascribed to the particular lot, tract, parcel of land, or other property owned by the person so notified.

Section 6. Public Hearing. A public hearing will be held by the Lakewood City Council on July 1, 2019, at 7 PM or shortly thereafter at Lakewood City Hall, 6000 Main Street SW, Lakewood, Washington. At the public hearing, the Lakewood City Council shall act as a board of equalization and hear objections to the special assessment roll, and may correct, revise, raise, lower, change, or modify the special assessment roll or any part thereof,

or set the proposed special assessment roll aside and order a new proposed special assessment roll be prepared. The City Council shall confirm and approve a special assessment roll by adoption of a resolution.

If a proposed special assessment roll is amended to raise any special assessment appearing thereon or to include omitted property, a new public hearing shall be held. The new public hearing shall be limited to considering the increased special assessments or omitted property. Notices shall be sent to the owners or reputed owners of the affected property in the same manner and form and within the time provided for the original notice.

Objections to a proposed special assessment roll must be made in writing, shall clearly state the grounds for objections, and shall be filed with the governing body prior to the public hearing. Objections to a special assessment or annual special assessments that are not made as provided in this section shall be deemed waived and shall not be considered by the governing body or a court on appeal.

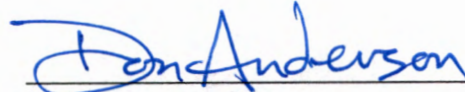
Section 7. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 8. Ratification. Any act consistent with the authority and prior to the effective date of the resolution is hereby ratified and affirmed.


Section 9. Effective Date. This ordinance shall be effective five days after passage by the Lakewood City Council.

ADOPTED by the City Council this 3rd day of June, 2019.

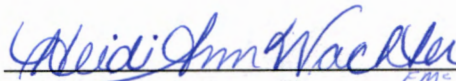
CITY OF LAKEWOOD


Don Anderson, Mayor

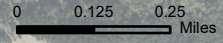
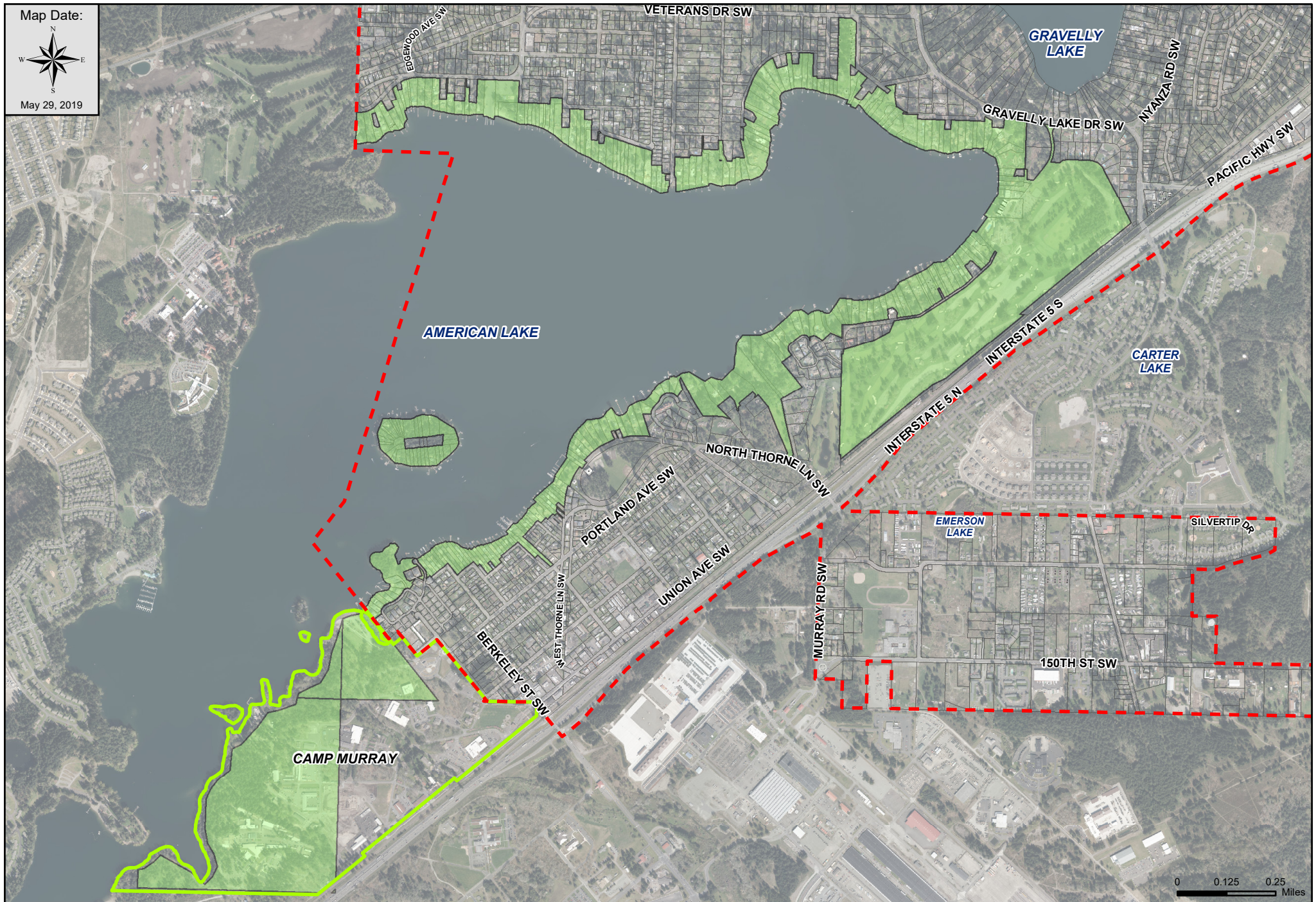
Attest:


Briana Schumacher, City Clerk

Approved as to Form:


Heidi Ann Wachter, City Attorney

Map Date:
May 29, 2019



- Lake Management District
- Tax Parcel
- Lakewood City Limit

American Lake Lake Management District No. 1

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