

RESOLUTION NO. 13-901

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, REJECTING THE PETITION OF VILLAGE PARTNERS, LP AND YARROWBAY DEVELOPMENT LLC FOR FORMATION OF CFD NO. 2013-1

WHEREAS, Black Diamond is a municipal corporation operating as a non-charter code city under the laws of the State of Washington and is authorized pursuant to RCW 35A.21.160 and 35A.11.030 to exercise all powers reserved to any city of any class and to exercise all powers of taxation in the manner provided by the general laws of the State; and

WHEREAS, in year 2010 the Washington State Legislature enacted Engrossed Substitute Senate Bill 6241 (codified at RCW Ch. 36.145) authorizing legislative authorities, such as the Black Diamond City Council, to form special taxing districts known as Community Facilities Districts (“CFD”), to provide an option for landowners to voluntarily finance local improvements through special assessments upon their property; and

WHEREAS, the Legislature found that such legislation was necessary because inadequate community facilities and infrastructure exist to support growth over the next 20 years and current financing options are not adequate or flexible enough to fund these needed facilities; and

WHEREAS, chapter 36.145 RCW (the “CFD Statute”) provides that the City Council may consider approval of formation of a CFD only after a petition meeting the requirements of the CFD Statute has been filed by 100% of the property owners owning land within the district, as certified by the County, and the City Council finds, within the time periods prescribed in the CFD Statute, that formation of the District meets the following requirements: (a) the petitioners will benefit from the proposed district; (b) the formation of the district will be in the best interest of the City; and (c) the formation of the District is consistent with the requirements of Washington’s Growth Management Act; and

WHEREAS, on September 4, 2013, BD Village Partners, LP and YarrowBay Development LLC (hereafter “Petitioners”) submitted their petition (hereafter the “Petition”) to King County Record and Licensing Services for certification for the formation of CFD No. 2013-1 (hereafter “CFD No. 2013-1”) with its proposed district boundaries located entirely within the corporate boundaries of the City of Black Diamond, King County, Washington; and

WHEREAS, on October 1, 2013, the Office of the King County Executive forwarded to the City of Black Diamond its certificate of sufficiency of the Petition confirming, as required

pursuant to RCW 36.14.020(2), that 100% of the owners of the properties located within the proposed district boundaries had executed the Petition; and

WHEREAS, the City is required by law to give notice of and conduct a public hearing regarding the formation of a CFD by no later than 60 days from the date a certificate of sufficiency is issued; and

WHEREAS, the City Council conducted a public hearing regarding the formation of CFD No. 2013-1 on November 7, 2013, at which time the City Council took public testimony and received evidence; and

WHEREAS, on November 21, 2013, the City Council conducted a regular meeting of the City Council and during such meeting conducted deliberations regarding whether or not the applicant had established that the petition for formation of CFD No. 2013-1 met the following requirements:

- i. The petitioners will benefit from the proposed district.
- ii. The formation of the district will be in the best interest of the City; and
- iii. The formation of the District is consistent with the requirements of Washington's growth management act. of RCW 36.; and

WHEREAS, the City Council retains sole discretion to determine whether or not formation of CFD 2013-1 will be in the best interests of the City; and

WHEREAS, the City Council having considered the application of petitioner, the public testimony, the written submittals in support of and in opposition to the formation of the CFD No. 2013-1, and other information deemed pertinent to this determination, finds that formation of CFD No. 2013 -1 is not in the best interest of the City;

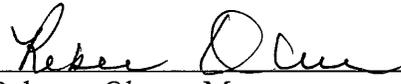
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Incorporation of Recitals. The above stated recitals are true and correct and are incorporated as though fully set forth herein.

Section 2. Rejection of Petition and Formation of CFD No. 2013-1. Based upon the foregoing, and pursuant to its authority granted under RCW Ch. 36.145, the City Council does hereby reject the Petition for formation of CFD No. 2013-1.

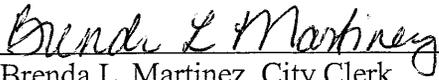
PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, THIS 21ST DAY OF NOVEMBER, 2013.

CITY OF BLACK DIAMOND:



Rebecca Olness, Mayor

Attest:



Brenda L. Martinez, City Clerk

Filed with the City Clerk: 11/22/2013
Passed by the City Council: 11/21/2013
Resolution No.: 13-901
Date Posted: 11/22/2013