

ORDINANCE NO. 253

AN ORDINANCE PROVIDING FOR SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AT AN ELECTION TO BE HELD ON FEBRUARY 29, 2000, A PROPOSITION THAT AUTHORIZES THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,350,000 FOR THE PURPOSE OF FUNDING IMPROVEMENTS TO PARK AND RECREATION FACILITIES WITHIN THE CITY.

WHEREAS, the best interests of residents of the City of University Place, Washington (the "City") require the City to improve park and recreation facilities; and

WHEREAS, the City adopted a Comprehensive Parks, Recreation and Open Space Plan as part of the Comprehensive Plan, adopted in July, 1998; and

WHEREAS, the City of University Place involved community residents in plans and priorities for parks and recreation facilities through community surveys conducted between 1995 and 1999, through numerous public workshops and public hearings on the Comprehensive Plan and master plans for individual park sites, and through information in the City newsletter, local newspapers and on local public access television; and

WHEREAS, based on community involvement and planning processes, the City Council in consultation with the Parks and Recreation Commission carefully deliberated on a priority list of parks and recreation projects (collectively, the "Projects"); and

WHEREAS, to pay the cost of the Projects, it is deemed necessary and advisable that the City issue and sell unlimited tax levy general obligation bonds in a principal amount not to exceed \$10,350,000 (the "Bonds"); and

WHEREAS, the Constitution and laws of the State of Washington provide that the question of whether or not the City may issue the Bonds be submitted to the qualified electors of the City for ratification or rejection;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, as follows:

Section 1. Findings. The City Council hereby finds that the plan of capital improvements and land acquisition, the Projects, is in the best interests of the City and its residents and will serve their public welfare, health and benefit.

Section 2. Acquisition, Construction and Equipping of Improvements. The City shall purchase, construct and equip the following capital additions and improvements at the time, in the order, and in the manner deemed most necessary and advisable by the City Council, including: developing a 23-acre park site adjacent to Cirque Drive and Bridgeport Way, improving Curran Orchard Park on Grandview Avenue and Homestead Park on Bridgeport Way near 40th Street W., making improvements to sports fields and adding a children's playground in the Colegate Park vicinity in partnership with the University Place School District, and funding land purchases, protection of open spaces and greenways, and constructing trails (collectively, the "Projects" and further defined in Exhibit A attached hereto);

The cost of the Projects, including incidental costs and costs related to issuing and selling the Bonds as provided in this ordinance, is estimated to be \$10,350,000. Without limitation, the costs of all necessary design, engineering and other consulting services, property acquisition, inspection and testing, administrative expenses and other costs incurred in connection with the Projects shall be deemed a part of their cost.

The City Council shall determine the exact specifications for the Projects. If the City Council, by resolution, shall determine that it has become impractical to acquire, construct or equip any portion of the Projects by reason of changed conditions, or costs substantially in excess of the amount of bond proceeds or tax levies estimated to be available, the City shall not be required to acquire, construct or equip such portions. If all of the Projects have been constructed or acquired or duly provided for, or found to be impractical, the City may apply the bond proceeds or any portion thereof to finance other park and recreation purposes or for the early redemption of the Bonds as the Council, by resolution and in its discretion, shall determine.

Section 3. Authorization of Bonds. To provide funds necessary to pay the costs of the Projects, together with incidental costs and costs related to the sale and issuance of the Bonds, the City shall issue and sell its general obligation bonds in an aggregate principal amount not to exceed \$10,350,000. The Bonds shall be issued in an amount not exceeding the amount approved by the electors of the City and not exceeding the amount permitted by the constitution and laws of the State of Washington. The balance, if any, of the cost of the Projects shall be paid out of any other legally available funds. The Bond proceeds shall not be used for replacement of equipment or for other than a capital purpose.

The Bonds shall be issued in such amounts and at such time or times as found necessary and advisable by the City Council and as permitted by law. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates authorized by the City Council. The Bonds shall mature in such amounts and at such times within a maximum term of 20 years from date of issue, all as authorized by the City Council and as provided by law. The Bonds shall be general obligations of the City and, unless paid from other sources, both principal of and interest on the Bonds shall be payable out of annual tax levies to be made upon all the taxable property within the City without limitation as to rate or amount and in excess of any constitutional or statutory tax limitation. The exact date, form, terms, options of redemption, maturities, covenants and manner of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the City Council. After voter approval of the Bond proposition and in anticipation of the issuance of such Bonds, the City may issue short-term obligations as authorized by Chapter 39.50 RCW.

Section 4. Bond Election. It is hereby found and declared that an emergency exists requiring submission to qualified electors of the City a proposition which authorizes the City to issue Bonds for the purposes of acquiring, constructing and equipping the Projects, at an election to be held on February 29, 2000. The Pierce County Auditor as ex officio supervisor of elections is hereby requested to find the existence of such emergency and to assume jurisdiction of and to call and conduct said election within the City and to submit to the qualified electors of the City the proposition hereinafter set forth.

The City Clerk is hereby authorized and directed, not less than 45 days prior to such election date, to certify the proposition to the Pierce County Auditor in substantially the following form:

**CITY OF UNIVERSITY PLACE, WASHINGTON
PROPOSITION NO. 1
GENERAL OBLIGATION BONDS - \$10,350,000**

To develop and improve park lands at Cirque/Bridgeport Park, Homestead Park, Curran Orchard Park, and Colegate Park to provide playfields, playground equipment, and walking trails, and to acquire land for open space and parks, shall the City of University Place issue general obligation bonds in the principal amount of \$10,350,000, maturing within 20 years, and payable out of annual property tax levies in excess of regular property tax levies, as provided in Ordinance 253.

PARKS BONDS YES...

PARKS BONDS NO.....

The City Clerk is hereby authorized and directed to deliver a certified copy of this ordinance to the Pierce County Auditor.

Section 5. Severability. If any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance or the Bonds. This ordinance and the Bonds shall be construed and enforced as if such invalid provision had not been contained in this ordinance. Any provision which may be held, by reason of its extent, to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 6. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five days after its passage and publication as provided by law.

PASSED BY THE CITY COUNCIL ON NOVEMBER 1, 1999.


Debbie Klosowski, Mayor

ATTEST:


Susan Matthew, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

PUBLICATION DATE: 11/5/99
EFFECTIVE DATE: 11/10/99

CERTIFICATE

I, the undersigned, City Clerk of the City of University Place, Washington (the "City"), and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. 253 of the City (the "Ordinance"), duly passed at a regular meeting of the Council held on the 1st day of November, 1999.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of said Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 1st day of November, 1999.

City Clerk

**City of University Place
Parks and Open Space 2000 Bond Proposal**

Project	Cost
<p><i>Cirque Drive and Bridgeport Way site</i> Improvements to this 23 acre site include perimeter walking and biking trail, picnic areas, three sports fields and multipurpose open space, lighting, restrooms, picnic shelter and concession area, children's play areas, skateboard park, sports court, wetland enhancement, parking and street frontage improvements.</p>	\$6,000,000
<p><i>Curran Orchard Park</i> Improvements to protect unique orchard character and expand use for special events, education and children's play include amphitheater and stage area for concerts and other events, restrooms and storage building, children's play stations, entry improvements, seating, and irrigation.</p>	\$500,000
<p><i>Homestead Park</i> Enhance public use of this natural wooded area with a picnic shelter and small plaza gathering area, restroom, children's play structures, small water feature, and seating areas.</p>	\$1,500,000
<p><i>University Place School District (UPSD) Playfields and Playground*</i> (*Contingent on Interlocal Agreement) Partnership with UPSD to improve existing sports fields at UPSD include lighting, irrigation, backstops and field renovation to provide expanded opportunity for community recreation programs including softball, baseball, soccer and flag football. Construct children's playground at Curtis/Colgate complex. * \$50,000 for playground and up to \$300,000 match for fields.</p>	\$350,000
<p><i>Open Space and Trails</i> Allocates funds to acquire land and easements and construct trail improvements in natural areas such as Morrison Pond, Leach Creek, Woodside Pond and to protect and enhance the Bridgeport Way greenway.</p>	\$500,000
<p><i>Land Acquisitions/Grant Match/Contingency</i> Allocates funds to acquire special properties for parks and open space as opportunities become available and to provide local match for grant applications. (Contingency at 10% of project totals is recommended.)</p>	\$1,500,000
Total	\$10,350,000