

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 661

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON  
RELATING TO TRANSPORTATION; ASSUMING THE BURIEN  
TRANSPORTATION BENEFIT DISTRICT; REPEALING  
ORDINANCE NOS. 516 AND 542; PROVIDING FOR SEVERABILITY,  
AND ESTABLISHING AN EFFECTIVE DATE**

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WHEREAS, the City of Burien has the responsibility for the improvement, maintenance, protection and operation of public streets and ways within the corporate limits of the City; and

WHEREAS, on July 20, 2009, the City adopted Ordinance No. 516 establishing a city-wide transportation benefit district pursuant to Chapter 36.73 RCW for the improvement, preservation, maintenance and operation of the City's transportation infrastructure, to reduce the risk of transportation facility failure, and to reduce the congestion or stem the expected increase in congestion creating by failing roads ("Burien Transportation Benefit District" or the "TBD"); and

WHEREAS, on June 21, 2010, the City adopted Ordinance No. 542 expanding the boundaries of the TBD to include area annexed by the City; and

WHEREAS, on July 1, 2015, the State Legislature passed Second Engrossed Substitute Senate Bill 5987, amending Chapter 36.73 RCW and authorizing cities to assume the rights, powers, functions, and obligations of transportation benefit districts with the same boundaries as the establishing city; and

WHEREAS, on October 17, 2016, the City Council passed Resolution No 382 indicating its intention to conduct a public hearing concerning the rights, powers, functions, and obligations of the TBD; and

WHEREAS, Resolution No. 382 was published in the Seattle Times, a newspaper of daily general circulation printed or published in the City, on October 24, 2016 and on October 31, 2016; and

WHEREAS, on November 7, 2016, a public hearing was held by the City Council to consider the proposed assumption of the rights, powers, functions and obligations of the TBD; and

WHEREAS, the City Council has determined that the public interest and welfare will be satisfied by the City assuming the rights, powers, immunities, functions, and obligations of the TBD and hereby declares its intent to do the same;

NOW, THEREFORE, the City Council of the City of Burien, Washington do ordain as follows:

Section 1. Assumption of Burien Transportation Benefit District. The City of Burien does hereby assume the rights, powers, immunities, functions, and obligations of the Burien Transportation Benefit District and is hereby vested with every right, power, immunity, function, and obligation currently granted to or possessed by the TBD. The City Council of the City of Burien is hereby vested with all rights, powers, immunities, functions, and obligations otherwise vested by law in the governing board of the TBD as defined in City of Burien Ordinance No. 516.

Section 2. Burien Transportation Benefit District Abolished. The Burien Transportation Benefit District established pursuant to Burien Ordinance No. 516 and the TBD governing board as defined by Burien Ordinance No. 516 are hereby abolished.

Section 3. Repealer. City of Burien Ordinance No. 516 is hereby repealed in its entirety.

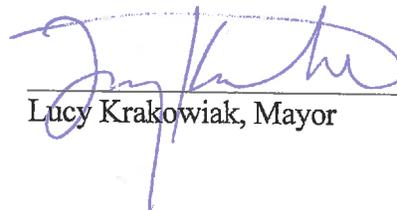
Section 4. Repealer. City of Burien Ordinance No. 542 is hereby repealed in its entirety.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force on December 31, 2016.

7<sup>TH</sup> **ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE DAY OF NOVEMBER, 2016.

CITY OF BURIEN

  
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Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

  
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Monica Lusk, City Clerk

Monica Lusk, City Clerk

Approved as to form:



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Lisa Marshall  
City Attorney

Filed with the City Clerk: *November 7, 2016*  
Passed by the City Council: *November 7, 2016*  
Ordinance No. 661  
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