



Project title: An Ordinance closing a special improvement project entitled "40th Place Landslide Repair" Fund 303, Program 122, as established by Ordinance No. 3803-21.

City Council Agenda Item Cover Sheet

Council Bill #

CB 2212 – 61

Agenda dates requested:

12/7, 12/14, 12/21

Briefing

Proposed action 12/7 & 12/14

Consent

Action 12/21

Ordinance (X)

Public hearing

..... Yes X No

Budget amendment:

..... Yes X No

PowerPoint presentation:

..... Yes X No

Attachments:

Proposed Ordinance

Department(s) involved:

Public Works, Admin

Contact person:

Tom Hood

Phone number:

425-257-8809

Email:

thood@everettwa.gov

Initialed by:

RLS

Department head

Administration

Council President

Consideration: Closing Ordinance

Project: 40th Place Landslide Repair

Partner/Supplier: Burton Construction

Location: 40th Place

Preceding action: Ordinance No. 3803-21, approved 5/12/21

Fund: 303 – Public Works Improvements

Fiscal summary statement:

The programmed available funding for this project was \$350,000.

The project was completed with design and construction costs of \$618,383. This Ordinance authorizes an additional \$268,383 from Fund 154 – Capital Improvement Program 3.

Project summary statement:

The slope adjacent to 40th Place, which is Parks-owned property, had been slowly settling for years and was impacting the road. This project designed and constructed repairs of the roadway and adjacent slope along 40th Place, within the plat of the Reserve at Forest Park.

Recommendation (exact action requested of Council):

Adopt an Ordinance closing a special improvement project entitled "40th Place Landslide Repair" Fund 303, Program 122, as established by Ordinance No. 3803-21



ORDINANCE NO. _____

An ORDINANCE closing a special improvement project entitled “40th Place Landslide Repair” Fund 303, Program 122, as established by Ordinance No. 3803-21.

WHEREAS,

- A.** The special improvement project entitled “40th Place Landslide Repair” Fund 303, Program 122, was established to provide for identified improvements.
- B.** The purpose of the project has been accomplished and there are neither outstanding obligations to be paid nor uncollected revenues to be received.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. That the special improvement project entitled “40th Place Landslide Repair” Fund 303, Program 122, as established by Ordinance No. 3803-21 be closed.

Section 2. That the final expenses and revenues for the “40th Place Landslide Repair” project Fund 303, Program 122 are as follows:

A. Expenses

Design and Construction	\$ <u>618,383</u>
Total Expenses	\$ 618,383

B. Source of Funds

Fund 154 – Capital Improvement Program 3	\$ <u>618,383</u>
Total Funds	\$ 618,383

Section 3. There are no financial transactions remaining.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

Section 5. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as

may be declared invalid.

Section 6. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 7. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Cassie Franklin, Mayor

ATTEST:

Marista Jorve, City Clerk

PASSED: _____

VALID: _____

PUBLISHED: _____

EFFECTIVE DATE: _____