



## RESOLUTION NO. 40749

1 A RESOLUTION approving a Wastewater Treatment and Disposal Agreement  
2 between the City of Tacoma and City of Ruston; replacing and superseding  
3 all prior agreements; and establishing an initial term of 20 years, with three  
4 automatic renewal terms of ten years, for a total term of 50 years.

5 WHEREAS the City owns and operates a publicly owned treatment works  
6 ("POTW") under authority of RCW 35.21.210, 35.21.215, 35.67.020, and 35.92.020;  
7 Article XI, § 11 of the Washington State Constitution; and Section 4.1 of the  
8 Tacoma City Charter, which POTW includes the Central Treatment Plant ("CTP"),  
9 the North End Treatment Plant ("NETP"), and the sanitary sewer system, and

10 WHEREAS the City of Ruston ("Ruston") is a non-charter code city which  
11 owns and operates a municipal sanitary sewer system that collects and conveys  
12 wastewater to the Tacoma POTW under authority of RCW 35A.11.020,  
13 35A.21.150, and 35.67.020; and Article XI, § 11 of the Washington State  
14 Constitution, and

15 WHEREAS, pursuant to RCW 35.67.300, any city or town owning or  
16 operating its own sewer system may contract with any other city or town, for the  
17 discharge into its sewer system of wastewater from all or any part or parts of such  
18 other city or town, upon such terms and conditions and for such periods of time as  
19 may be deemed reasonable, and

20 WHEREAS Tacoma and Ruston entered into a joint use sewer agreement  
21 dated April 5, 1966, approved pursuant to Tacoma City Council Resolution  
22 No. 18667, providing for the construction and operation by Tacoma of a sanitary  
23 sewer interceptor line through Ruston, and establishing the rights, duties, and  
24 obligations of Tacoma and Ruston related to the use of the interceptor line and the  
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1 terms and conditions upon which Tacoma would provide wastewater treatment and  
2 disposal services to Ruston, and

3 WHEREAS Tacoma and Ruston entered into a construction and extension  
4 agreement dated June 30, 1978, approved pursuant to Tacoma City Council  
5 Resolution No. 25057, providing for construction and dedication to Ruston of a  
6 sewer extension through Ruston to convey wastewater originating from Tacoma  
7 and Ruston to a connection to the Tacoma POTW at the Ruston City limits, and

8 WHEREAS Tacoma and Ruston entered into a contract for sewage disposal  
9 commencing January 1, 1979, approved pursuant to Tacoma City Council  
10 Resolution No. 25290, incorporating by reference the above-referenced 1978  
11 construction and extension agreement and certain provisions of the above-  
12 referenced 1966 joint use sewer agreement, and providing for wastewater  
13 treatment and disposal services to Ruston, and

14 WHEREAS Tacoma and Ruston entered into an interlocal agreement dated  
15 September 17, 2008, pursuant to which the parties agreed to jointly cooperate and  
16 participate in the Ruston Way Local Improvement District Project, pursuant to  
17 which the parties formed L.I.D. No. 3967, providing for the relocation and  
18 construction of sanitary sewer mains of various diameters, as a joint project of both  
19 jurisdictions, to serve the Point Ruston development within the City of Tacoma and  
20 Ruston, and

21 WHEREAS some of the sanitary sewer improvements constructed pursuant  
22 to L.I.D. No. 3967 have been or will be used by Ruston to provide sanitary sewer  
23 service to the Point Ruston properties located within Ruston, and  
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WHEREAS the term of the 1979 agreement has now expired and the City Council has determined that it is in the best interests of the public health, safety, and welfare that the City enter into a new Wastewater Treatment and Disposal Agreement with Ruston, superseding and replacing the prior agreements of the parties and establishing, among other things, the terms and conditions upon which Tacoma will provide wastewater treatment and disposal services to Ruston; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute the Wastewater Treatment and Disposal Agreement between the City of Tacoma and City of Ruston for an initial term of 20 years, with three automatic renewal terms of ten years, for a total term of 50 years, in substantially the form of the document on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Chief Deputy City Attorney