

AGREEMENT

THIS AGREEMENT dated ~~April~~ ^{MAY} 14, 1979, by and between the CITY OF WESTPORT, hereinafter referred to as the "City", and the WASHINGTON STATE PARKS AND RECREATION COMMISSION, hereinafter referred to as "Commission".

W I T N E S S E I H:

The city and Commission confirm the following statement of facts as premises for the Agreement herein contained:

1. The City has constructed a Sanitary Sewer System, including facilities for collection, transmission and treatment of domestic, commercial and industrial wastes within the city limits of the City of Westport.
2. The Commission has property formally known as Twin Harbors State Park located outside the boundaries of the City of Westport.
3. The Commission desires to construct certain sewage facilities which would enable them to collect all sewage generated by the Park and pump it to an existing manhole owned by the City to allow it to then be conveyed by City owned facilities to the City's treatment plant for treatment and disposal.

The description of facilities the Commission is desirous of constructing is attached hereto, marked "Exhibit A" and is incorporated by reference as though fully set forth herein.

4. In return for its connection to the City's system, the Commission will transfer the above-described sanitary collection and transmission system to the City of Westport. The portion transferred to the City is described in "Exhibit A" of this Agreement, which is attached hereto and incorporated by reference as though fully set forth herein. The Commission shall incorporate in the plans and specifications those design features requested by the City and agrees that the City shall approve the contract plans and specifications for the design and construction of the above-described sanitary collection and sewer facilities. That the City shall

inspect and must approve said sewer collection and transmission system prior to accepting said system or allowing said system to be connected in any manner whatsoever to the City's Sanitary Sewer System.

5. The City agrees that the system transferred to the City shall be kept in good repair and shall conform said system to all federal, state, city and health department laws, ordinances and regulations. The Commission agrees that the City shall take title to the above-described sanitary sewer collection and transmission system as described in "Exhibit A" and warrants to the City that there are no liens, assessments or other charges against said system. The Commission further agrees that it shall pay the City's costs of inspection during the construction of said line as described in "Exhibit A" herein. The Commission further agrees that in addition to the transfer of ownership of said sanitary sewer collection and transmission system described on "Exhibit A" herein, it shall grant to the City, access to, over and across all land that said sanitary sewer system collection and transmission system operates. Said access to be for the purpose of using, maintaining and operating the sanitary sewer system. The Commission agrees that other users may connect to any portion of said sanitary sewer collection and transmission system as described in "Exhibit A" lying outside park boundaries so long as such additional use does not interfere with the use of said system by the Commission. The Commission further agrees to pay to the City the monthly sewerage treatment charges at a rate equal to 85% of the water service charges for the park as set forth in the City of Westport Ordinances, or the reasonable charges that any amendment to said ordinance may include, as long as those charges are uniformly amended throughout the City's system.

It is mutually understood by the City and the Commission that any liability incurred by the City for the operation and maintenance of the City's system including those facilities transferred to the City shall be the sole liability of the City and that any liability incurred by the State

for the operation and maintenance of facilities owned by the State shall be the sole liability of the State.

CITY OF WESTPORT

By Bill Wade

WASHINGTON STATE PARKS AND RECREATION COMMISSION

By Charles H. Hayden
DIRECTOR

Approved as to form.
James W. Downpool
Asst. Atty. Gen.