CITY OF KENT, WASHINGTON

ORDINANCE NO. 1259

AN ORDINANCE ordering the improvement of certain streets and avenues in the City by the construction and installation of water mains and appurtenances, in accordance with Resolution No. 520, adopted June 15, 1964; establishing Local Improvement District No. 246; providing that payment for said improvement be made in part by special assessments on the property in the District, payable by the mode of "payment by bonds"; and providing for the issuance and sale of local improvement district warrants redeemable in cash and local improvement district bonds.

WHEREAS, by Resolution No. 520, adopted June 15, 1964, the City Council of the City of Kent, declared its intention to improve certain streets and avenues in the City by the construction and installation of water mains and appurtenances, and fixed the 20th day of July, 1964, at 8 o'clock p.m. (PDST) in the Council Chambers in the City Hall, Kent, Washington, as the time and place for hearing all matters relating to said proposed improvement and all objections thereto, and for determining the method of payment for said improvement; and

WHEREAS, Glen W. Sherwood, the City's engineer, caused an estimate to be made of the cost and expense of the proposed improvement and certified said estimate to the City Council, together with all papers and information in the possession of said engineer touching the proposed improvement, a description of the boundaries of the District, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed District, a statement in detail of the local improvement assessments outstanding or unpaid against the property within the proposed District and a statement of the aggregate actual valuation of the real estate, including 25% of the actual valuation of the improvements in the proposed District, according to the valuation last
placed upon it for the purpose of general taxation; and

WHEREAS, said estimate is accompanied by a detailed
copy of the preliminary assessment roll showing thereon the lots, tracts,
parcels of land, and other property, together with the plans and assessment
maps of the proposed improvement; and

WHEREAS, due notice of the hearing upon said Resolution
No. 520 was given in the manner provided by law and said hearing was
held by the City Council on the 20th day of July, 1964, and all written
protests filed with the City Council on or before said date were duly con-
sidered and all persons appearing at said hearing were heard; and

WHEREAS, as a result of protests filed the City Council
determined to make certain reductions in the boundaries of the proposed
local improvement district and has determined it to be in the best interest
of the City and of the owners of property within the proposed local improve-
ment district that said improvement, as hereinafter described, be carried
out and that a local improvement district be created in connection therewith;
NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO
ORDAIN, as follows:

Section 1. The improvement of the following described streets
and avenues within the City by the construction and installation of the
following described water mains is hereby ordered, to-wit:

<table>
<thead>
<tr>
<th>Size</th>
<th>Along</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>16&quot;</td>
<td>S. 212th St.</td>
<td>P SH-5 (84th Ave. S.)</td>
<td>SSH 2-M (Russell Rd)</td>
</tr>
<tr>
<td></td>
<td>(O'Brien Rd)</td>
<td></td>
<td>(68th Ave. S.)</td>
</tr>
<tr>
<td>16&quot;</td>
<td>SSH 2-M</td>
<td>S. 228th St. (Taylor Rd)</td>
<td>N line of the SE 1/4 of the SE 1/4 of Sec. 2, T 22 N, R4E, W.M.</td>
</tr>
<tr>
<td></td>
<td>(68th Ave. S.)</td>
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<td></td>
</tr>
<tr>
<td>12&quot;</td>
<td>S. 228th St.</td>
<td>P SH-5 (84th Ave. S.)</td>
<td>SSH 2-M (68th Ave. S.)</td>
</tr>
<tr>
<td></td>
<td>(Taylor Rd)</td>
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</tbody>
</table>

All of the foregoing shall be in accordance with the plans and
specifications prepared by Glen W. Sherwood, the City engineer.
Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 246," the boundaries of such local improvement district being described as follows:

Beginning at a point on the W margin of PSH-5 (84th Ave. S.) 300 ft. S of the S margin of S 228th St. (Taylor Rd); thence westerly parallel with S 228th St. (Taylor Rd) to the E margin SSH 2-M (68th Ave. S.); thence N along said E margin to S margin S 228th St. (Taylor Rd); thence W along said S margin to a point 300 ft. W of W margin SSH 2-M (68th Ave. S.); thence northerly parallel with said W margin to the N line of the SE 1/4 of the SE 1/4 of Sec. 2, T22N, R4E, W.M.; thence easterly along the N line of said SE 1/4 of the SE 1/4 and the N line of the SW 1/4 of the SW 1/4 of Sec. 1, T22N, R4E, W.M. to a point 300 ft. E of E margin SSH 2-M (68th Ave. S.); thence southerly parallel with said E margin to a point 300 ft. N of N margin S 212th St. (O'Brien Rd); thence easterly parallel with said N margin to the W margin PSH-5 (84th Ave. S.); thence S along said W margin to a point 300 ft. S of S margin S 212th St. (O'Brien Rd); thence westerly parallel with said S margin to a point 300 ft. E of E margin SSH 2-M (68th Ave. S.); thence S parallel with said E margin to a point 300 ft. N of N margin S 228th St. (Taylor Rd); thence easterly parallel with said N margin to W margin PSH-5 (84th Ave. S.); thence S along said W margin to the point of beginning.

Section 3. The estimated cost and expense of said improvement, including the cost and expense of all engineering, legal, inspection, advertising, publication of notices, and other expenses incidental thereto, is hereby declared to be $314,564.38, and not to exceed $288,108.90 of such cost and expense shall be borne by and assessed against the property included in the local improvement district established, embracing, as near as may be, all property specially benefited by such improvement, and the balance of such cost and expense shall be paid by the City from funds available to it for such purpose.

Section 4. The nature of the improvement provided for herein is such that the special benefits conferred upon the property in the local improvement herein created are not fairly reflected by the use of the zone-
and-termini method of assessment therefor, and it is hereby provided and
ordered that the assessments shall be made against the property of the
District in accordance with the special benefits it will derive from the
improvement without regard to the zone-and-termini method provided by
statute.

Section 5. Local improvement district warrants shall be
issued in payment of the cost and expense of the improvement herein
ordered, such warrants to be payable out of the "Local Improvement Fund,
District No. 246," hereinafter created, to bear interest from the date thereof
at the rate to be hereafter fixed by ordinance not to exceed 6% per annum
and to be redeemed in cash, and/or by local improvement district bonds
herein authorized to be issued, said interest-bearing warrants to be hereaf-
ner referred to as "revenue warrants." Such bonds shall bear interest
at a rate to be hereafter fixed by ordinance not exceeding 6% per annum,
shall be payable on or before twelve (12) years from the date of issuance,
the life of the improvement ordered being not less than twelve years,
and shall be issued in exchange for and in redemption of any and all revenue
warrants issued hereunder and not redeemed in cash within a period not to
exceed 60 days after the first publication by the City Treasurer of notice
that the assessment roll for "Local Improvement District No. 246" is in
his hands for collection. The bonds shall be redeemed by the collection
of special assessments to be levied and assessed upon the property within
said District, payable in ten (10) equal annual installments, with interest
at a rate to be hereafter fixed by ordinance not exceeding 6% per annum, under
the mode of "payment by bonds," as defined by law and the ordinances of the
City of Kent. In the case of default in the payment of any assessment
when the same shall become due, there shall be added interest at a rate
to be hereafter fixed by ordinance not to exceed 6% per annum and a penalty
of 5% which shall also be collected. The exact form, amount, date, interest
rate and denominations of said warrants and bonds shall be hereafter fixed by

-4-
ordinance of the City Council. Said warrants and bonds shall be sold in such manner as the City Council shall hereafter determine.

Section 6. All the work necessary to be done in connection with the making of said improvement shall be done by and made by contract upon competitive bids and the action of the City officials in heretofore advertising for such bids and the receipt of the same on July 28 is hereby ratified and confirmed as the duly authorized acts of the City. Payment for said work will be made in cash warrants drawn upon the "Local Improvement Fund, District No. 246."

Section 7. There is hereby created and established in the office of the City Treasurer of the City of Kent, for Local Improvement District No. 246, a special fund to be known and designated as "Local Improvement Fund, District No 246," into which fund shall be deposited (a) the proceeds from the sale of revenue warrants drawn against said fund which may be issued and sold by the City, (b) collections pertaining to assessments, and (c) any funds contributed by City participation, and against which fund shall be issued cash warrants to the contractor or contractors in payment for the work to be done by them in connection with said improvement, and against which fund cash warrants shall be issued in payment of all other items of expense in connection with said improvement.

Section 8. This ordinance shall become effective five (5) days after its passage, approval and publication as required by law.

ATTEST:

City Clerk

FORM APPROVED:

City Attorney

Passed the 2nd day of August, 1964.
Approved the 4th day of August, 1964.
Published the 5th day of August, 1964.