CITY OF KENT, WASHINGTON
ORDINANCE NO. 368

AN ORDINANCE ordering the improvement of South 212th Street from the Kent city limits (Russell Road) to the West Valley Highway by constructing and installing asphaltic concrete pavement of a variable width from 60 to 72 feet with concrete curbs and gutters and drainage facilities, all in accordance with Resolution No. 558 of the City Council of the City of Kent, Washington; establishing Local Improvement District No. 251; providing the method of assessment in said District; providing that payment for said improvement be made in part by special assessments upon the property in said 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. 558, adopted July 5, 1966, the City Council of the City of Kent declared its intention to order the improvement of South 212th Street from the Kent city limits (Russell Road) to the West Valley Highway by constructing and installing asphaltic concrete pavement of a variable width from 60 to 72 feet with concrete curbs and gutters and drainage facilities and fixed the 1st day of August, 1966, at 8:00 o'clock p.m. (PDST) in the Council Chambers of the City Hall in the City of 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, Hill & Ingman, consulting engineers to the City, have caused an estimate to be made of the cost and expenses of the proposed improvement and have certified said estimate to the City Council, together with all papers and information in their possession 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 in 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 diagram of the proposed improvement showing thereon the lots, tracts, parcels of land, and other property which will be specially benefited by the proposed improvement, and the estimated amount of the cost and expense thereof to be borne by each lot, tract, and parcel of land or other property; and

WHEREAS, due notice of the hearing upon said Resolution No. 558 was given in the manner provided by law and said hearing was held by the City Council on August 1, 1966, and all written protests filed with the City Council on or before said date were duly considered and overruled and all persons appearing at said hearing were heard; and

WHEREAS, the City Council has determined it to be in the best interests of the City 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 South 212th Street from the Kent city limits (Russell Road) to the West Valley Highway by constructing and installing asphaltic concrete pavement of a variable width from 60 to 72 feet with concrete curbs and gutters and drainage facilities in the City of Kent, Washington, is hereby ordered.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by Hill & Ingman, consulting engineers to the City.

Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 251 of the City of Kent, Washington," which District is described as follows:

That portion of Section 11, Township 22 North, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the east line of said Section 11 with a line which is parallel with and 460.00 feet south, measured at right angles, from the centerline of S. 212th St.;

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Thence westerly along said parallel line which is 460.00 feet south, measured at right angles, from the centerline of S. 212th St., a distance of 3,665 feet, more or less, to the easterly margin of Russell Road;

Thence northerly along said easterly margin to an intersection with a line which is parallel with and 460.00 feet north, measured at right angles, from the centerline of S. 212th St.:

Thence easterly along said parallel line which is 460.00 feet north, measured at right angles, from the centerline of S. 212th St., to an intersection with a line extended northerly at right angles from the centerline of S. 212th St., at a point which is easterly 1,575.00 feet, measured along said centerline from the easterly margin Russell Road:

Thence northerly 10.00 feet along said line extended northerly at right angles from the centerline of S. 212th St.;

Thence easterly 100.00 feet along a line which is parallel with and 470.00 feet north, measured at right angles, from the centerline of S. 212th St.;

Thence southerly 20.00 feet along a line extended northerly at right angles from the centerline of S. 212th St., at a point which is easterly 1,675.00 feet, measured along said centerline, from the easterly margin of Russell Road;

Thence easterly along a line which is parallel with and 450.00 feet north, measured at right angles, from the centerline of S. 212th St., 1,990 feet, more or less, to the east line of said Section 11;

Thence southerly along said east line 910 feet, more or less, to the Point of Beginning.

Section 3. The estimated cost and expense of said improvement is hereby declared to be $466,000.00. Not to exceed $130,000.00 of the cost and expense of said improvement shall be borne by and assessed against the property specially benefited by such improvement included in the local improvement district herein established embracing as near as may be all property specially benefited by such improvement. Approximately $186,000.00 of the cost and expense of the improvement shall be paid from a grant anticipated to be received from the Economic Development Administration of the United States Department of Commerce, pursuant to the Public Works and Economic Development Act of 1965 (P. L. 89-136) Project #07-1-00100, the Offer of Grant being made May 24, 1966, and duly accepted.
by the City on June 2, 1966. The balance of the cost and expense of the improvement shall be paid from the proceeds received from the issuance and sale of general obligation bonds of the City in the amount of not to exceed $150,000.00, such bonds to be payable by annual ad valorem taxes to be levied within the city's authorized millage against all of the taxable property within the City.

Section 4. The nature of the improvement provided for herein is such that the special benefits conferred upon the property in the local improvement district 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 that portion of the cost and expense of the improvement herein ordered to be assessed, such warrants to be payable out of the "Local Improvement Fund, District No. 251," hereinafter created, to bear interest from the date thereof at a 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 hereafter 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 of not to exceed 60 days after the first publication by the City Treasurer of notice that the assessment roll for Local Improvement District No. 251 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 6% which shall also be collected. The exact form, amount, date, interest rate and denominations of said warrants and bonds shall be hereafter fixed by 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 City shall have and reserves the right to reject any and all bids. The call for bids for work authorized pursuant to this ordinance shall include a statement that payment for said work will be made in cash warrants drawn upon the "Local Improvement Fund, District No. 251."

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. 251, a special fund to be known and designated as "Local Improvement Fund, District No. 251," into which fund shall be deposited the moneys to be received by way of grant from the Economic Development Administration of the United States Department of Commerce, pursuant to the Public Works and Economic Development Act of 1965 (P. L. 89-136) Project #07-1-00100, the proceeds received from the issuance and sale of limited general obligation bonds as aforesaid, the proceeds from the sale of revenue warrants drawn against the fund which may be issued and sold by the City and collections pertaining to assessments, 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.

PASSED by the City Council and APPROVED by the Mayor of the City of Kent, Washington, at a regular meeting thereof, this 1st day of August, 1966.

ATTEST:

City Clerk

FORM APPROVED:

City Attorney

Mayor