CITY OF KENT, WASHINGTON

ORDINANCE NO. 1532

AN ORDINANCE ordering the improvement of South 240th Street or James Street by rebuilding an existing two lane bituminous surfaced facility to consist of four traffic lanes with channelized and signalized intersections, together with concrete curbs and gutters, storm sewers, sidewalks and pedestrian overcrossing, all in accordance with Resolution No. 596 of the City Council; establishing Local Improvement District No. 257; providing the method of assessment in the District; providing that payment for the improvement be made in part by special assessments upon the property in the District, payable by the mode "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. 596, adopted August 5, 1968, the City Council declared its intention to order the improvement of South 240th Street or James Street by rebuilding an existing two lane bituminous surfaced facility to consist of four traffic lanes with channelized and signalized intersections, together with concrete curbs and gutters, storm sewers, sidewalks and pedestrian overcrossing and fixed September 3, 1968, at 8:00 o'clock p.m. (PDST) in the Council Chambers of the City Hall 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 the improvement; and

WHEREAS, Hill, Ingman, Chase & Co., consulting engineers to the City, caused an estimate to be made of the cost and expenses of the proposed improvement and 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, that 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 above hearing was given in the manner provided by law, and the hearing was held by the City Council on the date and at the time above mentioned, and all written protests filed with the City Council on or before that date were duly considered and overruled, and all persons appearing at the hearing were heard; and

WHEREAS, the City Council has determined it to be in the best interests of the City that the 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 described in Exhibit B attached hereto and by this reference made a part hereof is hereby ordered.

Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 257 of the City of Kent, Washington," which District is described in Exhibit A attached hereto and by this reference made a part hereof.

Section 3. The estimated cost and expense of the improvement is hereby declared to be $1,630,444.00. Not to exceed $50,000.00 of that cost and expense shall be borne by and assessed against the property specially benefited by that improvement included in the local improvement district herein established embracing as near as may be all property specially benefited by the improvement. The balance of
the cost and expense of the improvement, estimated to be $1,580,444.00, shall be paid from urban arterial funds anticipated to be received from the State of Washington and City moneys available 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 district herein created are not fairly reflected by the use of the zone-and-termini method of assessment therefor, and it is 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. 257," herein-after created and referred to as the "Local Improvement Fund," to bear interest from the date thereof at a rate to be hereafter fixed by ordinance not to exceed 8% per annum and to be redeemed in cash, and/or by local improvement district bonds, herein authorized to be issued, such interest-bearing warrants to be hereafter referred to as "revenue warrants." The City is authorized to issue local improvement district bonds for the district which shall bear interest at a rate to be hereafter fixed by ordinance not exceeding 8% per annum, shall be payable on or before years from the date of issuance, the life of the improvement ordered being not less than the term of the bonds, 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. 257 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 the district, payable in \[ \text{Ten (10)} \] equal annual installments, with interest at a rate to be hereafter fixed by ordinance not exceeding 8% per annum, under the mode of "payment by bonds," as defined by law and the ordinances of the City. 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 8% per annum and a penalty of 6% which shall also be collected. The exact form, amount, date, interest rate and denominations of the revenue warrants and local improvement district bonds shall be hereafter fixed by ordinance of the City Council. The 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 the 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 the work will be made in cash warrants drawn upon the Local Improvement Fund.

Section 7. There is hereby created and established in the office of the City Treasurer of the City of Kent, for the district, a special fund heretofore designated and referred to as the Local Improvement Fund, into which fund shall be deposited the urban arterial funds anticipated to be received from the State of Washington and City moneys available for this project and 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 the improvement, and against which fund cash warrants shall be issued in payment of all other items of expense in connection with the improvement.
PASSED by the City Council and APPROVED by the Mayor of
the City of Kent, Washington, at a regular meeting thereof, this
3rd day of September, 1968.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

FORM APPROVED:

[Signature]
City Attorney

Passed the 3rd day of Sept. 1968
Approved the 4th day of Sept. 1968
Published the 7th day of Sept. 1968

Reconsidered by the Kent City Council in a regular meeting duly
assembled on the 16th day of December, 1968 and passed by a vote
of 5 to 2, Councilmen Baffaro, Lee, Masters, Pozzi and Woodworth
voting aye and Armstrong and Barnier voting nay.

[Signature]
Carl Pozzi, Mayor Pro Tem

ATTEST:

[Signature]
City Clerk

FORM APPROVED:

[Signature]
City Attorney

Passed the 16th day of December, 1968
Approved the 17th day of December, 1968
Published the 20th day of December, 1968
DESCRIPTION OF IMPROVEMENT
LID No. 257

The City shall improve South 240th Street or James Street by recon­structing the existing two lane bituminous surfaced facility beginning at
the West Valley Highway (68th Avenue South) and running Easterly approx­imately 2.1 miles to its end at Benson Road (104th Avenue Southeast), con­sisting of the construction and installation of asphaltic concrete surface to
provide four traffic lanes with channelized and signalized intersections at
West Valley Highway (68th Avenue South); 4th Avenue; Central Avenue;
94th Avenue Southeast; 100th Avenue Southeast; and Benson Road (104th
Avenue Southeast), together with the construction and installation of curbs
and gutters, storm sewers, sidewalks and a pedestrian overcrossing at the
elementary school near the Easterly terminus of the project.

All of the foregoing shall be in accordance with the plans and
specifications therefor prepared by Hill, Ingman, Chase & Co., consult­
ing engineers of the City.
PARCEL "A"

Beginning at the intersection of the centerline of Washington Street with the centerline of James Street of Kenthurst Addition to the City of Kent, as recorded in Volume 57 of Plats, Pages 58 and 59, Records of King County, Washington, in Section 24, Township 22 North, Range 4 East, W.M.;

Thence Easterly along centerline of said James Street to its intersection with the centerline of Adams Avenue of said Kenthurst Addition;

Thence Northerly along centerline of said Adams Avenue to its intersection with the Easterly extension of the North line of Lot 9, Block 4, of said Kenthurst Addition;

Thence Westerly along the Northerly line of said Lot 9, and the North line of Lot 6, of said Block 4, and the Westerly extension of said North line of Lot 6, to its intersection with the centerline of said Washington Avenue;

Thence Southerly along centerline of said Washington Avenue to its intersection with the centerline of said James Street and the point of beginning.

PARCEL "B"

Beginning at the intersection of the centerline of James Street with the centerline of State Street in Walmsley's Addition to the City of Kent, as recorded in Volume 45 of Plats, Page 15, Records of King County, Washington, in Section 13, Township 22 North, Range 4 East, W.M.;

Thence Northerly along centerline of said State Street to its intersection with a line 225 feet Northerly of, as measured at right angles to the centerline of said James Street;

Thence Westerly along said line 225 feet North of, as measured at right angles to, the centerline of said James Street across intervening streets, of said Walmsley's Addition to the City of Kent, to the Westerly margin of the Northern Pacific Railroad right-of-way;

Thence Southerly along the Westerly margin of said right-of-way to its intersection with the centerline of said James Street;

Thence Westerly on said centerline to its intersection with the North-South centerline of Section 13, Township 22 North, Range 4 East, W.M.;

Thence Northerly along said North-South centerline of Section 13, to its intersection with a line 330 feet North of, as measured at right angles to, the centerline of said James Street;

Thence Westerly along said line across the Puget Sound Power and Light Company right-of-way and the Chicago, Milwaukee, St. Paul, & Pacific Railway Company's right-of-way, to its intersection with the East margin of Primary State Highway No. 5;
PARCEL "B" - Continued

Thence Southerly along said East margin of Primary State Highway No. 5 to its intersection with the South margin of said James Street;

Thence Easterly along said South margin of James Street to a point 170 feet Easterly of, as measured radially from the centerline of said Primary State Highway No. 5;

Thence Southerly along the arc of a curve measured 170 feet Easterly of and radially from the said centerline of Primary State Highway No. 5, to its intersection with a line 330 feet southerly of, as measured at right angles to, the centerline of said James Street;

Thence Easterly along said line across intervening Puget Sound Power and Light Company's right-of-way and Chicago, Milwaukee, St. Paul and Pacific Railway Company's right-of-way to its intersection with the North-South centerline of said Section 24;

Thence continuing Easterly along a line 330 feet South of, as measured at right angles to, the centerline of said James Street across intervening streets and the Northern Pacific Railway Company's right-of-way and a portion of Cross Addition to the City of Kent, as recorded in Volume 18 of Plats, Page 9, Records of King County, Washington, to its intersection with the centerline of Railroad Avenue;

Thence Northerly along the centerline of said Railroad Avenue to its intersection with a line 225 feet South of, as measured at right angles to the centerline of James Street;

Thence Easterly along said line to its intersection with the centerline of Central Avenue, of said Cross Addition to City of Kent;

Thence Northerly along the centerline of said Central Avenue, to its intersection with the centerline of said James Street;

Thence Easterly along centerline of said James Street to its intersection with the centerline of State Street in said Walmsley's Addition to Kent and the point of beginning.

PARCEL "C"

Beginning at the intersection of the centerline of James Street which is also the South line of Section 17, Township 22 North, Range 5 East, W.N.; with the centerline of 104th Avenue S.E., as situated in King County, Washington;

Thence Northerly along said centerline of 104th Avenue S.E., to its intersection with a line which is 225 feet North of, as measured at right angles to, the centerline of said James Street;

Thence Westerly along said line to its intersection with a line 30 feet Easterly of, as measured at right angles to, the West line of the East 1/2 of the SW 1/4 of the SW 1/4 of said Section 17;

Thence Southerly along said line to its intersection with the said centerline of said James Street;
PARCEL "C" - Continued

Thence Easterly along centerline of James Street which is also the South line of said Section 17, to its intersection with the centerline of said 104th Avenue S.E., and the point of beginning.

PARCEL "D" - Lying Outside City of Kent Boundary

Beginning at a point on the centerline of James Street, which is 200 feet Westerly of, as measured at right angles to, the centerline of 104th Avenue S.E., in King County, Washington;

Thence Southerly along said line which is 200 feet Westerly of, as measured at right angles to, the centerline of 104th Avenue S.E., a distance of 200 feet;

Thence Easterly along a line which is 200 feet Southerly of, as measured at right angles to, the centerline of said James Street, to its intersection with the centerline of said 104th Avenue S.E.;

Thence Northerly along said centerline to its intersection with the centerline of said James Street;

Thence Easterly along centerline of said James Street to a point which is 200 feet Westerly of, as measured at right angles to, centerline of said 104th Avenue S.E., and the point of beginning.