CITY OF KENT, WASHINGTON

ORDINANCE NO. 1541

AN ORDINANCE ordering the improvement of North 4th Avenue from Harrison Street to South 228th Street by constructing and installing asphaltic concrete pavement of a variable width from 48 to 68 feet, with concrete curbs and gutters, drainage facilities and appurtenances, all in accordance with Resolution No. 602 of the City Council; establishing Local Improvement District No. 258; 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. 602, adopted September 3, 1968, the City Council declared its intention to order the improvement of North 4th Avenue from Harrison Street to South 228th Street by constructing and installing asphaltic concrete pavement of a variable width from 48 to 68 feet, with concrete curbs and gutters, drainage facilities and appurtenances and fixed October 7, 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. 258 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 $748,000.00. 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 $698,000.00, 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. 258," hereinafter 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. 258 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 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
21st day of October, 1968.

RECEIVED THE 22 day of Oct, 1968

Mayor

ATTEST:

City Clerk

FORM APPROVED:

City Attorney
EXHIBIT A

Boundary Description

PARCEL "A"

Beginning on the North line of Section 24, Township 22 North, Range 4 East, W.M., at its intersection with a line which is 330 feet Westerly of, as measured at right angles to, the centerline of North 4th Avenue in the City of Kent, King County, Washington;

Thence Southerly along a line 330 feet Westerly of and parallel to North 4th Avenue to its intersection with the centerline of Harrison Street, according to Yesler's First Addition to Kent, as Recorded in Volume 5 of Plats, Page 64, Records of King County, Washington;

Thence Easterly along the centerline of said Harrison Street to its intersection with the Southerly extension of the centerline of North 3rd Avenue, according to Ramsay's Addition as recorded in Volume 16 of Plats, Page 89, Records of King County, Washington;

Thence Northerly along said Southerly extension and the centerline of said North 3rd Avenue to its intersection with the Northerly margin of Temperance Street according to said Ramsay's Addition;

Thence Easterly along said Northerly margin to its intersection with a line which is 330 feet Easterly of, as measured at right angles to, the centerline of said North 4th Avenue;

Thence Northerly along said line, parallel with centerline of said North 4th Avenue to the North line of said Section 24;

Thence Westerly along the said North line to its intersection with a line which is 330 feet Westerly of, as measured at right angles to centerline of said North 4th Avenue and the point of beginning.

PARCEL "B"

Beginning at the Northwesterly margin of P.S.H. No. 5 at its intersection with the North margin of South 234th Street, as situated in the City of Kent, King County, Washington;

Thence Northeasterly along said Northwesterly margin to its intersection with a line which is 30 feet Easterly of, as measured at right angles to, the centerline of North 4th Avenue;

Thence Northerly along said line parallel with said centerline of North 4th Avenue to its intersection with the centerline of South 228th Street.

Thence Westerly along the said centerline of South 228th Street, to its intersection with a line which is 330 feet Westerly of, as measured at right angles to, the centerline of said 4th Avenue North;

Thence Southerly along said line, parallel with the centerline of said North 4th Avenue, to its intersection with the Northerly margin of said South 234th Street;

Thence Easterly along said North margin to its intersection with the Northwesterly margin of P.S.H. No. 5, and the point of beginning.
Description of Improvement

Improvement of North 4th Avenue from Harrison Street to South 228th Street by constructing and installing asphaltic concrete pavement of a variable width from 48 to 65 feet, with concrete curbs and gutters, drainage facilities and appurtenances.

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