CITY OF KENT, WASHINGTON

ORDINANCE NO. 1576

AN ORDINANCE adopting a comprehensive plan for the provision of off-street parking space and facilities and ordering the carrying out of such comprehensive plan, all in accordance with Resolution No. __ of the City Council; establishing Local Improvement District No. __; providing the method of assessment in the District; providing that payment for the improvement be made by special assessments upon 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, the City of Kent by Chapter 35.86 of the Revised Code of Washington is authorized to provide off-street parking space and facilities for motor vehicles and the use of real property for such purpose has been declared to be a public use, and the City is authorized to finance the acquisition and construction of such off-street parking space and/or facilities by the creation of local improvement districts in accordance with the provisions of Title 35 of the Revised Code of Washington; and

WHEREAS, traffic congestion within the downtown area of the City requires the creation of additional off-street parking space and/or facilities for motor vehicles, and the City Council has reason to believe that such off-street parking would alleviate or prevent traffic congestion and thereby promote the usability of the municipal streets for the movement of traffic; and

WHEREAS, the City has heretofore made economic and physical surveys deemed necessary by the City Council thereof pertaining to the necessity and feasibility of providing off-street parking space and facilities for motor vehicles within the City, such surveys being included as a part of the report of John Graham & Company designated as the "Kent Development Plan," including a Parking Study Addendum; and
WHEREAS, such surveys undertaken by the City evidence the urgent need of the City for adequate off-street parking space and facilities for motor vehicles within the City to alleviate or prevent traffic congestion and thereby promote the usability of the municipal streets for the movement of traffic and the City does not have available any funds to meet the estimated cost of providing such off-street parking space and facilities; and

WHEREAS, by Resolution No. [cit], adopted November 4, 1968, the City Council declared its intention to adopt a comprehensive plan for off-street parking space and facilities for motor vehicles for the City, to order the carrying out of that comprehensive plan and to create a local improvement district to assess the cost and expense of that plan against the properties in such district specially benefited thereby and fixed December 2, 1968, at 8:00 o'clock p.m. (PST) in the Council Chambers of the City Hall at the regular meeting of the City Council as the time and place for hearing all matters relating to the proposed comprehensive plan improvement and local improvement district and all objections thereto and for determining the method of payment for the improvement; and

WHEREAS, the City Engineer caused an estimate to be made of the costs and expenses of the proposed improvement and certified said estimate to the City Council, together with all papers and information in his 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

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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 said comprehensive plan for the provision of off-street parking space and facilities as hereinafter described be adopted and 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 City Council of the City of Kent, Washington, hereby adopts and orders the carrying out, for strictly municipal purposes and in accordance with Chapter 35.86 RCW, a comprehensive plan for the provision of off-street parking space and facilities for approximately 360 motor vehicles within the City to consist of the acquisition and improvement of the following described privately owned real properties by the demolition and removal of existing improvements, if any, thereon and then grading, ballasting and surfacing with asphaltic concrete, installing concrete curbs and access drives along with other necessary facilities:

1. Lots 1 through 10 and Lots 16 through 20 in Block 7, Yesler's First Addition to the Town of Kent, as recorded in Volume 5 of Plats, page 64, Records of King County, Washington.
2. Lots 4 through 8 in Block 2, Yesler's First Addition to the Town of Kent, as recorded in Volume 5 of Plats, page 64, Records of King County, Washington.

The City Council may make such changes in the plan as it may deem necessary, so long as such changes do not materially alter the purpose of the plan.

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

That portion of Section 24, Township 22, Range 4 East, W.M., in King County, Washington, described as follows:

Beginning at the Northwest corner of Lot 2, Block 16, Yesler's First Addition to the Town of Kent, recorded in Volume 5 of Plats, page 64, in King County, Washington, being the True Point of Beginning of property herein described; thence South along the West line of said Lot and West line produced to the centerline of alley in said Block; thence East along said centerline to an intersection with the Northerly production of the West line of Lot 16 in said Block; thence South along said produced line of said Lot 16 and along the West line of said Lot 16 produced South to the centerline of Harrison Street; thence East along centerline of said street to an intersection with the Northerly production of the West line of Lot 7, Block 14 of said Addition; thence South along said produced line of Lot 7 and along the West line of Lot 7 produced South to the centerline of Gow Street; thence East 60 feet along said centerline of Gow Street to the Northerly production of the West line of Lot 6, Block 18 of said Addition; thence South along said produced Lot 6 line and the West lines of Lots 4 and 5 to the Southwest corner of Lot 4 in Block 18 of said Addition; thence East along South line and the South line of Lot 4 produced to the centerline of South 4th Avenue; thence South along the centerline of said 4th Avenue to an intersection with the centerline of West Titus Street; thence East along the centerline of said Titus Street to an intersection with the centerline of South 2nd Avenue; thence South along the centerline of said 2nd Avenue to an intersection with the South line of Lot 8, Block 2 of said Addition produced West; thence East along said South line of Lot 8 to the Southeast corner of Lot 8 in said Block 2, thence South along the west line of Lot 4 in said Block 2 to the Southwest corner of Lot 4 in said Block 2; thence East along the South line produced of Lot 4 in said Block 2 to a point which lies 86 feet East of the centerline of South 1st Avenue;
thence North parallel with the centerline of said 1st Avenue to a point of intersection with the Easterly production of the North line of Lot 8, Block 3, Ramsay's Addition to the Town of Kent, recorded in Volume 16, page 89 of Plats in King County, Washington; thence West to a point of intersection with the Northerly production of the West line of Lot 7, Block 16 of said Yesler's Addition; thence South along said produced line of said Lot 7 in said Block 16, a distance of 150 feet; thence West parallel with the North margin of Shinn Street to an intersection with the Northerly production of Lot 2, Block 16 in said Yesler's Addition; thence South along said produced line of said Lot 2 in said Block 16 to the Northwest corner of said Lot 2 in said Block 16 to the True Point of Beginning.

Section 3. The total estimated cost and expense of the foregoing comprehensive plan and improvement is hereby declared to be $684,300.00. The entire cost and expense of the 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 the improvement.

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 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. 260," 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 twelve 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 sixty days after the first publication by the City Treasurer of notice that the assessment roll for Local Improvement District No. 260 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 ten 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 pro-
cceeds 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 ex-
pense 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
20th day of January, 1969.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

FORM APPROVED:

[Signature]
City Attorney