AN ORDINANCE ordering the improvement of South 212th Street beginning at the East Valley Highway and proceeding east to 104th Street by constructing four 12' traffic lanes with curb and gutter and storm drainage and channelization, all in accordance with Resolution No. 609 of the City Council; establishing Local Improvement District No. 261; 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 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. 609, adopted November 18, 1968, the City Council declared its intention to order the improvement of South 212th Street beginning at the East Valley Highway and proceeding east to 104th Street by constructing four 12' traffic lanes with curb and gutter and storm drainage and channelization, and fixed December 16, 1968, at 8:00 o'clock p.m. (PST) 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 City Council of the City of Kent, Washington, hereby orders the improvement, in conjunction with King County, Washington, of South 212th Street (Phase III) commencing at the East Valley Highway and proceeding easterly over the East Valley Freeway and then turning northeast to tie onto 208th Street and ending at 104th Street by constructing four 12' traffic lanes with curb and gutter and storm drainage with channelization for the East Valley Highway and 104th Street and continuous channelization on the City's portion.
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.

Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 261 of the City of Kent, Washington," which district is described as follows:

Those portions of Government Lots 1 and 2, and of the East half of the Northwest quarter of Section 7, Township 22 North, Range 5 East, W.M., in King County, Washington, described as follows: commencing at the West quarter corner of said Section 7 and running thence North along the West line of said Section, 797.62 feet to the point of beginning;

Thence North 88°42' East 1741.44 feet, more or less, to the centerline of a 20 foot drainage ditch right-of-way;

Thence South 4°26' West along said centerline, 30.09 feet;

Thence North 82°34'10" East 744.79 feet, more or less, to a point on the East line of said Southeast quarter of the Northwest quarter, which is 849.42 feet North of the Southeast corner of said subdivision;

Thence North along said East line to its intersection with a line parallel with and 660.00 feet North of, as measured at right angles to, the North line of the South half of said Northwest quarter;

Thence Westerly along said parallel line to the West of said Section 7;

Thence Southerly along said West line to a point which is 797.62 feet North of the West quarter corner of said Section 7 and the Point of Beginning;

Section 3. The total estimated cost and expense of said improvement is hereby declared to be $1,510,850.00. The estimated cost and expense of the City's portion is hereby declared to be $647,350.00 with the balance of such cost and expense to be borne by King County, Washington. Not to exceed $53,700.00 of the City's portion 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 the improvement. The balance of the City's portion of the cost and expense of the improvement shall be paid from urban arterial funds anticipated to be received from the State of Washington and a federal grant from the Economic Development Administration.

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. 261," 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. 261 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 urban arterial funds anticipated to be received from the State of Washington, federal grant funds from the Economic Development Administration, 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

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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 20th day of January, 1969.

Mayor

ATTEST:

City Clerk

FORM APPROVED:

City Attorney

Published Jan 24, 1969