CITY OF KENT, WASHINGTON

ORDINANCE NO. 1692

AN ORDINANCE ordering the improvement of S.R. 99 (Pacific Highway South) from S.R. 516 (Kent-Des Moines Road) to South 252nd Street by widening and overlaying pavement with asphalt concrete, improving and extending shoulders where necessary, and incidental work to provide for a fifth lane to be used as a two-way left-turn lane, both within and outside the City, all in accordance with Resolution No. 682 of the City Council; establishing Local Improvement District No. 265; 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, by Resolution No. 682, adopted September 8, 1970, the City Council declared its intention to order the improvement of S.R. 99 (Pacific Highway South) from S.R. 516 (Kent-Des Moines Road) to South 252nd Street by widening and overlaying pavement with asphalt concrete, improving and extending shoulders where necessary, and incidental work to provide for a fifth lane to be used as a two-way left-turn lane, both within and outside the City, and fixed October 19, 1970, at 7:30 o'clock p.m. (PDST) in the Council Chambers of the City Hall as the time and place for hearing all matters relating to the proposed improvement and all objections thereto and for determining the method of payment for the improvement; and

WHEREAS, the City Engineer of the City of Kent caused an estimate to be made of the cost and expense 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

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 of S.R. 99 (Pacific Highway South) from S.R. 516 (Kent–Des Moines Road) to South 252nd Street by widening and overlaying the pavement with asphalt concrete, improving and extending shoulders where necessary, and incidental work to provide for a fifth lane to be used as a two-way left-turn lane.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by the City Engineer.

Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 265 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 total estimated cost and expense of that improvement is hereby declared to be $74,420.00. It is estimated that of the total estimated cost, the cost of the improvement within the City will be $63,020.00, and the cost of the improvement outside the City will be $11,400.00. The entire cost and expense of such improvement shall be borne 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, it being estimated that the property within the City, described as Unit A in Exhibit A, shall be assessed approximately $63,020.00 and the property outside the City, described as Unit B in Exhibit A, shall be assessed approximately $11,400.00. There shall be included in the cost and expense of that improvement all cost items specified in RCW 35.44.020.

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. 265," 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, 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. 265 is in his hands for collection. The bonds shall be redeemed by the collection of special assessments to be levied and assessed against 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 1/2% 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, District No. 265, into which fund shall be deposited 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 2nd day of November, 1970.

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Isabel Hogan
Mayor

ATTEST:

Marie Frary
City Clerk

FORM APPROVED:

Donald E. Mirr
City Attorney

Published the 6th day of November, 1970
I, MARIE JENSEN, Clerk of the City of Kent, Washington, do hereby certify that the attached copy of Ordinance No. 1692 is a true and correct copy of the original ordinance duly passed on the 2nd day of November, 1970, as that ordinance appears on the Minute Book of the City.

DATED this 2nd day of November, 1970.

MARIE JENSEN, City Clerk
That portion of SE 1/4 of Section 16, T22N, R4E, W.M.: That portion of Section 21, T22N, R4E, W.M. That portion of Blocks 5 and 6 of Federal Highway Addition recorded in Volume 30 of Plats, Page 1, King County and that portion of Interurban Heights 3rd, 4th, 5th, and 6th Section recorded in Volume 17 of Plats, Pages 85, 86, 87, 88 in King County, Washington Defined as Follows: Beginning at NE corner of Lot 9, Block 6 said Federal Highway Addition which corner lies on the West margin of SR 99 (Also Known As) Pacific Highway South; thence West along North line of said Lot 9 to a point 150 feet West of and measured perpendicular to the West margin of SR 99; thence South parallel with the West margin of SR 99 to South line of North 1/2 of Lot 10, Block 6 of said Federal Highway Addition; thence East along said South line to West margin SR 99; thence South along West margin SR 99 to NE corner of Lot 11 in Block 6 of said Federal Highway Addition; thence West along North line of said Lot 11 to a point 150 feet West of and measured perpendicular to the West margin SR 99; thence South parallel with West margin SR 99 to a point which lies 50 feet South when measured at Right angle to the North line of said Lot 11; thence East parallel with North line of said Lot 11 a distance of 59.74 feet more or less; thence South parallel with West line of said Lot 11 a distance of 40 feet; thence East parallel to North line of said Lot 11 to West margin SR 99 thence South along West margin SR 99 to the NE corner of Lot 16 in Block 6 of said Federal Highway Addition; thence West along North line of said Lot 16 to a point 150 feet West of and measured perpendicular to the West margin SR 99; thence South parallel with West margin of SR 99 to a point which lies 10 feet North when measured at Right Angle to South line of Lot 17, Block 6 of said Federal Highway Addition; thence East parallel with South line of said Lot 17 to West
Margin SR 99; thence South along West margin of SR 99 to the NE corner of Lot 23, Block 6 of said Federal Highway Addition; thence West along North line of said lot 23 to a point 150 feet West of and measured perpendicular to West margin SR 99; thence South parallel with West margin of SR 99 to South line of Lot 28 in Block 6 of said Federal Highway Addition; thence East along South line of said Lot 28 to West margin of SR 99; thence South along West margin of SR 99 to a point of intersection with South line of South 240th Street; thence West along South line of said Street to a point 150 feet West of and measured perpendicular to West margin of SR 99; thence South parallel with West margin of SR 99 to a point of intersection with South line of Lot 20, Block 6, Interurban Heights 6th Section produced West; thence East along said produced South line to SW corner of said Lot 20; thence South to NW corner of Lot 1, Block 7, of Interurban Heights 5th Section; thence Continued along West line of said Block 7 to SW corner of lot 4 in said Block 7; thence East along the South line of said lot 4 and said South line produced East to West margin of SR 99; thence South along West margin of SR 99 to a point of intersection with the Easterly extension of South line of Lot 3, Block 17 of Interurban Heights, 4th Section; thence West along said extended South line and South line Lot 38 to a point which lies 150 feet West of and perpendicular to West margin of SR 99; thence Southwesterly parallel with said West margin to South line of NW 1/4 of SE 1/4 Section 21-22-4; thence East along said South line of NW 1/4 of SE 1/4 to a point which lies 200 feet East of and measured perpendicular to Centerline of SR 99; thence Northeasterly parallel with Centerline of SR 99 to the southerly margin of Kent Des Moines Road; thence Northwesterly along Kent Des Moines Road to the North.
line Lot 2, Block 5 Federal Highway Addition; thence West along the North line said Lot 2 to the East margin of SR 99; thence West to NE corner of lot 9, Block 6, Federal Highway Addition and the point of beginning.
Lying within King County

That portion of the SE 1/4 in Section 16, T22N, R4E, W.M., King County, Washington. That portion of Section 21, T22N, R4E, in King County, Washington. Portions lying within Block 6, Federal Highway Addition Volume 39, Page 1, portions lying within Interurban Heights 4th & 5th Section recorded in Volume 17 of Plats, pages 25 & 86, King County, Washington, Defined as follows: The East 150 feet measured perpendicular to the West margin of SR 99 (Also Known As) Pacific Highway South of the South 1/2 of the Lot 10, Block 6 of said Highway Addition. The East 150 feet of Lot 11, Block 6 of said Federal Highway Addition measured perpendicular to West margin SR 99 lying South of the following described line. Beginning at NE corner of Lot 11 in said Block 6, thence West along North line Lot 11 to a point 150 feet West of and measured perpendicular to West margin of SR 99, thence South parallel with the West line of said Block 6 to a point which lies 50 feet South when measured at Right angle from the North line of said Lot 11, being the beginning of line herein described. Thence East parallel with the North line of said Lot 11, a distance of 59.74 feet more or less; thence South parallel with the West line of said Lot 11, a distance of 50 feet; thence East parallel with North line of said Lot 11 to the West margin of SR 99 being the terminus of line herein described. The East 150 feet measured perpendicular with West margin of SR 99 of Lots 12, 13, 14, 15, 18, 19, 20, 22, 29, 30. The South 10 feet of Lot 17, Lot 21 EXCEPT portion deeded to King County and that portion of Lot 31 lying within East 150 feet, all lying within said Block 6 and also that portion of Blocks 7 and 8, Interurban Heights, 5th Section and portion of Blocks 17 & 18, Interurban Heights, 4th Section Beginning at a point on the South line of Lot 20, Block 6 Interurban Heights 6th Section Volume 17, Page 85 extending West which lies 150 feet West of and measured perpendicular to West margin
of SR 99, thence South parallel with said West margin to a point on
the South line of Lot 38 in Block 17 of said Interurban Heights
Addition; thence East along South line said Lots 38 and 3 and said
South line Extended East to said West margin; thence Northeasterly
along said West margin to a point of intersection with the Easterly
extension of the South line of Lot 4 in said Block 7; thence West
along said extended South line to the SW corner of said Lot 4 in Block
7; thence North along West line of said Block 7 and its West line
produced North to the SW corner of Lot 20 in Block 6 of said Interurban
Heights 6th Section; thence West along the South line of said Lot 20
produced West to the Point of Beginning.