AN ORDINANCE ordering the improvement of a certain area of the City by the construction and installation of asphaltic concrete surface on 84th Avenue South to provide four (4) through traffic lanes with a fifth (5th) lane to provide a two-way left turn lane and a channelization and signalization at South 212th Street and South 228th Street, together with the construction and installation of curbs and gutters, storm drains, illumination and underground power, all in accordance with Resolution No. 708 of the City Council; establishing Local Improvement District No. 272; 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. 708, adopted November 15, 1971, the City Council declared its intention to order the improvement of a certain area of the City located generally along 84th Avenue South by constructing and installing additional traffic lanes, signalization and channelization, curbs and gutters, storm drains, illumination and underground power, and fixed December 20, 1971, at 7:00 o'clock p.m. (PST) in the Council Chambers of the City Hall as the time and place for hearing all matters relating to the proposed improvement and all objections thereto and for determining the method of payment for the improvement; and

WHEREAS, Hill, Ingman and Chase, consulting engineers of the City of Kent caused an estimate to be made of the cost and expenses of the proposed improvements and certified said estimate to the City Council, together with all papers and information in its 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 dis-
trict, according to the valuation last placed upon it for the pur-
pose 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 appear­
ing 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 herein­
after described be carried out and that a local improvement dis­
trict 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, Wash­
ington, hereby orders the improvement of a portion of the City
by the construction and installation of asphaltic concrete sur­
face on 84th Avenue South to provide four (4) through traffic
lanes with a fifth (5th) lane to provide a two-way left turn lane
and a channelization and signalization at South 212th Street and
South 228th Street, together with the construction and installa­
tion of curbs and gutters, storm drains, illumination and under­
ground power.

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

-2-
Section 2. There is hereby created and established a local improvement district to be called "Local Improvement District No. 272 of the City of Kent, Washington", which district is described as follows:

Beginning at the intersection of the South line of Section 12, Township 22 North, Range 4 East, W.M. with a line 642.00 feet Westerly of and parallel with the East line of said Section 12;

Thence Northerly along said parallel line to its intersection with the South margin of South 212th Street;

Thence Easterly along said South margin to its intersection with a line 642.00 feet Easterly of and parallel with the West line of Section 7, Township 22 North, Range 5 East, W.M.;

Thence Southerly along said parallel line to its intersection with the North line of Section 18, Township 22 North, Range 5 East, W.M.;

Thence continuing Southerly along a line 642.00 feet Easterly of and parallel with the West line of said Section 18, to its intersection with the Northwesterly margin of Primary State Highway No. 5 (SR 167);

Thence Southwesterly, along said Northwesterly margin to its intersection with a line 193.00 feet Westerly of and parallel with the East line of Section 13, Township 22 North, Range 4 East, W.M.;

Thence Northerly along said parallel line to its intersection with the North line of said Section 13 which is also the South line of said Section 12;

Thence Westerly along said South line to the Point of Beginning.

-3-
Section 3. The total estimated cost and expense of that improvement is hereby declared to be $1,100,000. Not to exceed $67,000 of the cost and expense of that 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, 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. 272," 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 and not to exceed the maximum permitted by law 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 (60) days after the first publication by the City Treasurer of notice that the assessment roll for Local Improvement District No. 272 is in her 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 the maximum permitted by law 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 the maximum permitted by law 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. 272, 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.

Section 8. This Ordinance shall take effect and be in
force five (5) days from and after its passage, approval and publication, as provided by law.

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 January, 1972.

\[\text{ISABEL HOGAN, MAYOR}\]

ATTEST:

\[\text{MARIE JENSEN, City Clerk}\]

APPROVED AS TO FORM:

\[\text{DONALD E. MIRK, City Attorney}\]

PASSED the 3rd day of January, 1972.

APPROVED the 4th day of January, 1972.

PUBLISHED THE 7th day of January, 1972.

I hereby certify that this is a true copy of Ordinance No. 1757, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

\[\text{MARIE JENSEN, City Clerk}\]